VOX VERITATIS

OR

A Brief Abſtract of the Caſe Betvveen *George Carew* Eſq; Adminiſtrator of the goods and Chattells of Sir *William Courten* & Sir *Paul Pyndar* Kinghts deceaſed vvith their vvills annexed.

AND

The *Eaſt India* Company of the Netherlands, vvith other Inhabitants of *Amſterdam* and *Midleburgh*.

Faithfully Recollected and Contained in fifty ſix Paragraphs for ſatisfaction of the Creditors and Legatees clayming under the Said Adminiſtrations, and divers other perſons concerned.

Together with the Irregular & Extrajudiciall Proceedings of Sir *Robert Sawyer* the Atrurney Generall, and Mr. *Aaron Pengry* one of the Clerks of the *Petty bagg* office, concerning a *ſcire facias* brought for repealing Letters Patents under the great Seal of *England*: (grounded upon ſeverall acts of Parlament) for the recovery of 151612. l. Sterling with all incident coſts and charges, from the States Generall of united *Netherlands* and their ſubjects.

Severall Arguments and Obſervations. Animadverſions and Reflections upon the Cheifeſt points in the premiſes.

By Thomas Browne Gent:

Printed in the year 1683.

TO HIS MVCH, HONOVRED FREINDS,

THE CREDITORS AND LEGATEES OF SIR *William Courten*, Sir *Paul Pyndar* and *William Courten* Esq; deceased.

Worthy Srs.

THE late Lord Chancelour Finch, who kept the Kings Conscience (pro tempore) was pleased in open Court, to say that the Clause contained in the Letters Patents recited at large in English French and Dutch, Between the fifty fourth and fifty fift Paragraphs Following (that noe Peace Should prejudice the grant before satisfaction made to the parties) was a clause unusuall, inserted by surprise, and ought not to be obligatory. He had forgoten that the Patent passed through his owne Office, so worded when he was Solicitor Generall Anno 1665. transacted by Mr. Gilbert Crouch for the signet Office, and Privy Seal (who payed all the fees vpon Mr. Carevv's account) after many debates about the said clause with the Lord Chancelour Hyde, who was convinced at Last, that it ought to pass so (as a particular Right) for divers reasons that would satisfie all men of sence and consideration. The Hollanders an insolent people that lived vpon the Spoyles of all nations, and had laid their Foundations in bloud and treachery, at Amboyna, Polleron, Mallacca, Battavia, &c. Justified themselves in all those wicked actions anp practises by Several tricks & Evasions. Vnder pretence that the English either sought to undermine them, or that they traded with their Enemies and assisted them with men and Armes or Other Contra band Goods. They never confessed themselves guilty of any Spoyles and depredations before this case of the Bona Esperanza, which they had stipulated to satisfie by the treaty Anno 1662. After an open confession; Restitution must naturally Follow according to the Laws of Christianity. The Patent Speaks for it selfe in playne English, and wants no further Arguments for its owne defence, then what are contained therein. Therefore (all circumstances considered) None but Hollanders, or Persons living by Spoyls can imagine, what they may break through acts of Parlament, treaties, Stipulations, Oaths Covenants, and the very Laws of Common Humanity, it cannot be supposed, but that Most certainly it was intended that the Debt and Damages of 151612. l. Sterling Should be satisfied or recovered, other wise the grant had not Passed (So Pene'd) through those great offices of the Highest trust in the Kingdome, whereby it became a Law unalterable, of which the States and their Subjects are to take Notice accordingly. Being the onely debt:

liquidated and aſsertained for ſatisfaction & reparation. All other proceſs at Law, runs in the Kings name to Judgements decrees, Executions, and Extents vpon Debts, Troners, and Treſpaſſes (as Acts of Prothonotaries, Attorneys, Clerks &c.) without the Kings Knowledge, and yet untill Satisfaction, are Irrevocable. But this Patent being an Act of the kings owne; The Warrant, and Bill, both Paſſing vnder his ſigne manual, grounded upon the Laws of Nations, and divers Acts of Parlament, whereby His Majeſty & his Miniſters had inveſted the grantees with that intereſt towards repayring the families of Sir *William Courten* and Sir *Paul Tyndar* whoſe memories were then pretious, and many others that had ſuffered deeply for the crown of *England*, divers members of Parliament concerned as their Heires and Executors being very vſefull to his Majeſty, and his Royall Highnes, even by appearing Vigourouſly in this cauſe, and parting with their monies proportionably in ſo many millions granted to the King for Royall Ayds. Wherefore the very Attempt of Arraigning, or violating the ſaid Patent, is a practiſe moſt intollerable and vnjuſt, there being no other remedy for reparation, to the perſons Spoyled intereſſed and injured.

I Have been concerned for Mr, George Carew *theſe Twenty years and vpwards in this affaire, who hath been very indefatigable therein himſelf for your ſervice Adventuring his Life and fortune in the proſecution of his owne and your juſt demands, ſuffering with patience ſoe many Affronts both at home and abroad in the defence thereof. Providence having caſt vpon him the ſaid Adminiſtration, in Right of his firſt Wife and other his relations, he hath not been wanting on his part to bring all things to a good iſſue. It is his hard fate and not his fault, that reſtitution and reparation is not made to himſelfe, and all of you according to your Debts and Legacies reſpectively. Every Paragraph of this caſe hath A voucher upon record for vindicating the truth thereof, together with Mr.* Carew's *loyalty and fidelity to his King & Country. There are ſome Arguments and obſervations of my owne as notes and Comments upon the Cheifeſt Poynts, which I have added for your further ſatisfaction; After you have rightly underſtood the matters of fact contained in the fifty ſix paragraphs. Following. All which being left to your grave Iudgements and Conſiderations. I remaine as Ever I have been.*

Worthy Srs.

Your moſt devoted Freind
and humble Servant.

Thomas Browne.

Weſtiminſter
Aprill 23. 1683.

A Brief Abſtract of the Caſe, Between George Carew *Eſq; Adminiſtrator of the goods and Chattles, Rights, Debts & Credits of Sr.* William Courten, *& Sir* Paul Pyndar *Knights Deceaſed, with their Wills annexed,*

&

The Eaſt India Company of the united Netherlands, with other Inhabitants of Amſterdam *and* Midleburgh.

Faithfully Recollected and contained in fifty ſix Paragraphes.

(1.) *King Charles* the firſt of ever bleſſed memory in the year 1635. by his Letters Patents under the great ſeal of *England* granted to Sir *William Courten* & his partners, their Executors & Adminiſtrators, Power and Authority to make trading voyages to the *Eaſt Indies China & Iapan* & to ſettle factories and Plantations there.

(2.) Sir *William Courten* and his partners, in the year 1636. ſett forth ſeverall Shipps & Setled divers factories & ſtorehouſes at *Carwar*, *Cotheen*, *Mattao* & other places. And entred into a correſpondence with the Vice-Roys & Governors in thoſe parts for a continuall trade. *Vpon whoſe foundation the English Eaſt India Company Erected themſelves, upon that trade, and are ſince continued in it, & confirmed by a new Charter from the King.*

(3.) Sir *William Courten* being dead, *William Courten* his ſonn & heire, & partners in the year 1641. ſett forth the Shipps *Bona Eſperanza* & *Henry Bona Adventure (inter alia)* for ſupply of their factories, maintayning their Correſpondence, & bringing home their effects, ready for returnes.

(4.) The Shipp *Bona Eſperanza* with her freight & lading ſayling from *Goa* towards *Mattao*, was ſeiſed & injuriouſly taken in the Streights of *Malacca* in

the year 1643. by two Men of Warr belonging to the East India Company of the *Netherlands* & carried to *Batavia*, & there *de facto*, without any proceis at law, converted to the said East India Companies use, to the damage of *Courten* & his partners, seventy Thousand pounds Sterling & upwards, under pretence they traded with the Portugalls their enemies.

(5.) The Shipp *Henry Bona Adventure* & her Lading bound homewards for *England* was also seised & taken into the Said Companies possession, in the year 1644. nere the Island *Mauritius*, & converted likewise to their owne use, to the further losse & damages of Sir *Paul Pyndar*, & other Proprietors 15000. l.

(6.) A Monition out of the high Court of Admiralty was hung upon the exchange in the year 1645. & witnesses examined *perpetuam rei memoriam* concerning the spoyles & depredations. Monsr. *Aumin* the durch Ambassador, then resident in *England* heving notice thereof given him to make his defence accordingly: so all thiugs rested in *Statu*

(7.) A Claime was made, & exhibites put in by *William Towne* Executor of Sir *Paul Pyndar* in the year 1654. to the Commissioners of *Oliver Cromwell* & the States Generall, for satisfaction & reparation of the said losse, & damages, upon accompt of Sir *Paul Pyndar*, who had the said Shipps assigned to him for diverse summes of money lent to Sir *William Courten* & his Son, yeilding the Surplus to Sr. *Edward Littleton* towards other Debts, which was by a particular arcicle in that Treary, referred to the Protestant Cantons of *Switzerland*, who made no award therein.

[8.] Upon the Kings most happy Restoration in the year 1660. *William Courten* Esq; grandchild & Heyre of Sir *William Courten*, *George Carew*, *Francis Earle of Shrewsbury*, Sir *John Ayton* & others made severall applications to the King & Councell for releife againſt the *East India* Company of the Netherlands for the said spoiles and depredations according to the Law of nations. Whereupon severall orders of the Councell Table, with Letters of Recomendations under the Kings Signe Manuall, were sent to Sir *George Downing* his Majesties Envoy Extraordinary to the States Generall: as also to the said States, pressing on for satisfaction & reparation according to the Laws of common Amity & rules of Justice. Whereupon severall memorialls were given, and replyes to the States answers and rejonders, for the space of 18. months; but nothing was brought to any Conclusion.

(9.) In the year 1662. The Procedings at the *Hague* being transmitted by the Ministers of State weekely to Monsr. *Symon Van Heine* and Monsr. *Van Gogh*

their Ambaſſadors in *England*: as alſo by Sir *George Downing* unto the Kings Commiſſioners that treated with them at Whitheal: whereupon an agreement & ſtipulation was made in the Treaty concluded at *Weſtminſter* 4th. of September 1662. that upon the reſtitution of *Poleron*, and ſatisfaction for the loſſe, & damages occaſioned by the ſpoyles of thoſe two Shipps the *Bona Eſperanza*, & *Honey Bona Aventure*, all other Loſſes damages & Injuries whatſoever ſhould be mortified & extinguiſhed. That is to ſay from the Soveraign remedy of Repriſalls.

(10.) In purſuance of the ſaid Treaty, freſh Orders from the Councell Table were ſent to Sir *George Downing*, in the year 1663. that the ſaid loſſe & damages ſhould be forthwith inſpected & adjuſted for ſatisfaction and reparations to the Perſons intereſſed and injured. Then *Iohn de Witt* the Pentionarie of *Holland* & *Peter Von Dam* Advocate to the *Eaſt India* Company trifled away 14. months longer in impertinent, debates, pretending that this Matter was to be left to the Ordinary Courſe of Juſtice at *Amſterdam*, in regard the *Eaſt India* Company had Caution from Mr. *Pergen* & *Boudaen* for a conſiderable part of the damages.

(11.) A Certificate was ſent to the *Hague* from the Kings Commiſſioners (ſtill ready to be produced) under their hands & ſeales, that concluded the ſaid Treaty between the King & the States Generall aforeſaid (Viz.) The *Duke of Albemarle*, the *Earle of Manchester*, *Charles* Lord *Berkley*, *Denzell* Lord *Holles*, Sir *George Cateret*, Sir *Edward Nicolas* & Sir *William Morice*, All teſtifying, declaring and confirming that the King in Conference with the dutch Ambaſſadors had declared that the difference concerning thoſe two Shipps & their Ladings ſhould not be removed out of the way: that it was depending upon the memorialls & procedings at the *Hague*, which the Commiſſioners & Ambaſſadors agreed ſhould be Amicably concluded accordingly.

(12.) Then the Deputies of the States, & *Iohn de Witt* offered Sir *George Downing* two hundred thouſand guilders, and what could be gotten beſides upon the caution of *Pergen* & *Boudaen*, as Sir *George Downing* hath depoſed in Chancery: which offer was not approved of by the Proprietors for ſuch conſiderable loſſes & damages. Then ſome new differences arriſing betweene the King and the States Generall concerning incroachments upon the Coaſt of *Guinea*, the ſaid *Carew* returned into *England* after all his expences, trouble & Charges, *re infecta*, in the moneth of October in the year 1664.

(13.) A report being made to the Councel Table, how refractory the States had been concerning the ſaid Treaty, refuſing to adjuſt the damages & make reſtitution for the ſaid ſpoyles and depredations, according to the ſaid ſtipulation: Then *Francis* late Earle *of Shrewſbury*, *William Courten* grandchilde & Heire of Sir *William Courten*, *George Carew*, Sir *Iohn Ayton* & others made freſh

application to the King & Councel, by Petition, for Letters of Repriſalls to continue effectuall in the law until reparation of the ſaid Debt & Damages, should bee recouered according to *jus Gentium* & the Statutes of the Realm. Upon which a reference was made to *Dr. Exton* Judge of the Admiralty, to examine & report the loſſe & damages: who found the ſame to amount unto the ſumme of *one hundred fifty one thouſand ſix hundred & twelve pounds* Sterling.

(14.) Upon further addreſſes to the king for the ſaid Letters of Repriſalls, the warr being proclaymed againſt *Holland*, after the Commons in Parliament had made their Juſt reſentements of the indignities offered to the Crown & Kngdome, divers of the Lords & Commons being Ctedirors of Sir *VVilliam Courten*, & Sir *Paul Pyndar*, a Warrant was directed from the King, to Sir *Robert VViſeman*, & Sir *VVilliam Turnor* (Advocates generall to his Majeſty & his Royall Highneſſe) who conſulted with Sir *Heneage Finch* then the Kings Attorney Generall, in whoſe Office, & by whoſe Clerks all things were prepared for the great ſeal of *England*, wherby the grant paſſed to Sir *Edmond Turnor* & the ſaid *George Carew* on the 19. of May 1665. to continue effectuall in the Law until they should have recovered & received by way of repriſalls from the States and their ſubjects, the ſaid ſumme of 151612. l. with Coſts & Charges, for the loſſes & damages aforeſaid, or à Compoſition to be made between the grantees & the *East India* Company of the Netherlands for the ſame: notwithſtanding the generall differences between the King & the Sates Generall should be compoſed, as by the ſayd letters Patents appears.

(15.) Its very remarkable that the Lord Chancellor *Hyde* was two months in debating with Common Lawyers & Civill Lawyers before he gave the *fiat* to the grant for continuance untill ſatisfaction: it being controverted that Commiſſions or bare Authorities given either in times of peace ar warr to Admiralls Vice-Admiralls or Captains, were avoydable upon any proclamation, or the Kings pleaſure: But a judiciall grant under thoſe circumſtances for reparations of ſpovls & damages to private perſons was ſuch a conſideration, that coupled an Authority with an intereſt, as the Law directs of common right, and that grant being grounded upon acts of Parliament wherein every ſubject hath an Intereſt, the King was neither ſurpriſed nor deceived in his grant to Repaire Injuries in times of peace, that were committed in tymes of common Amity.

(16.) This grant induced the ſaid *George Carew* (*bona fide*) to mortgage & aſſigne his whole eſtate in London, Surrey, & Worceſter-Shire to *Thomas Foley*, *John whitfeild*, *Thomas Colman* Eſquires, & others for Eight thouſand & five hundred pounds to take in the Aſſignements upon the ſaid two Shipps to Sir *VVilliam Powell* & Sir *Peter Vanlove* to unite all intereſts, but to this day he hath not directly nor indirectly received any ſatisfaction or compenſation for the ſame, as by his affidavit filed in Chancery hereafter mentioned appeares.

(17.) Several Commiſſions were given out indorſed vpon exemplifications & duplicates of the ſaid Letters Patents in the year 1666. to divers Captaines, their owners being Creditors claiming vnder *Carew* Adminiſtration. But in regard it was in times of warr, moſt of the Shipps brought in, were reclaimed by *Hamburgers*, *Lubickers Danzieckers*, *Swed* & others. Vnder whoſe Collours, the Hollanders traded & were reſtored to them by Sir *Loynell Ienkins* Judge of the Admiralty accordingly: ſoe that the very Charges of ſetting forth Shipps towards repriſing the loſſes, were not recovered, as by the Regiſter in the Admiralty, & books of accompt, kept for that purpoſe, appears.

(18.) Captaine *Tyrence Byrne* in the Moneth of Auguſt 1666. brought in an old fly boate called the Godelieve of *Brugis* about 200. Tuns in burthen, dutch built, laden with wyne, ſalt & vinegar, bound from *France* for *Amſterdam*, the Seamen all confeſſed themſelves to be Hollanders & Zelanders borne. Wherevpon the Court decreed good Cauſe of ſeizure and condemned them in *expences*. But one *Peter Gerrard* a French man claiming the ſaid goods & Shipp, as belonging to *Iacob Neitz Michaiell Vander Plancken* & others, ſubjects of the King of *Spaine*, an Order was made to reſtore the Shipp & goods vpon bayle, to abide the ſentence vpon hearing the Cauſe, which *Gerrard* refuſing to doe, the Goods being damnified at laſt were reſtored by Sir *Lyonell Ienkins*.

(19.) Some Imbezilements being made by the Engliſh ſeamen in the year 1667. as was pretended, in the Port of *Chicheſter* during the tyme, the ſaid fly boate lay there, Captaine *Byrne* was arreſted by writ, out of the Admiralty for a thouſand pounds damages, unto which he gave good Bayle: but Mr. *Frankyn*, the Claymers Proctor refuſing to proceed regularly by Juries according to the Law vpon the ſaid action, exhibited a lybell againſt *Sir Edmond Turnor*, *Carew*, *Tyrence Byrne* and *Ionathan Froſt* for 1800. l. damages for loſſe of their voyage. Wherevpon Sir *Lionell Ienkins* pronounced a ſentence accordingly, from which ſentence *Turnor* & *Carew* appealed to Judges, delegates & adjuncts: wherof the Lord Chief Juſtice *North*, being the Leading man confirmed the ſaid ſentence: the reſt following to doe the ſame at Sarjeants Inn in *Chanchery Lane* march 16. 1678. Mr. *Frankyn* the ſaid Proctor having brought the ſame ready Ingroſſed for that purpoſe. Although nothing appeared againſt *Turnor* and *Carew* in the whole proces tranſmitted, onely that their names were vſed in the proſecution of the Cauſe at the firſt Inſtance: which ſentence & confirmation appearing more out of prejudice then Juſtice, being directly contrary to the Law of *England*, where, vpon all perſonall Injuries no man ſuffers for the treſpas of another, the ſaid *Carew* proteſted againſt the ſaid Sentence & confirmation as erronious & unjuſt, ſoe farr as it concerned *Turnor* & *Carew*, & appealed to the king for a Commiſſion of review, which was granted accordingly: whereupon the Matter depends.

(20.) A Treaty for Peace being propoſed, the Emperour of Germany ſent *Baron d'Ilola* as an envoy extraordinary to interpoſe betweene the King of great Brittaine & the States generall for an accommodation. The ſaid *Baron* paſſing through the *Hague* in his way for *England* makes applications to the States Generall for that purpoſe, where *John de Witt* the chiefe miniſter of State in Conference with the ſaid *Baron* tells him that the King ſhould have a Sheete of blanck paper to write his owne Conditions for a peace, provided it might not be diſcouered to the Lord *Chancellor* Hyde. Yett the King prevailed with the *Baron* that the Lord *Chancellor* as primier miniſter of State might be aquainted therewith, under an obligation of ſecrecy, which toke wind in the Hague: ſo that enterprize ſucceeded not.

(21.) Complaints being made to the Councell Table that Shipps of the Kings Allies were brought in by force of the Letters Patents for repriſalls, vpon ſuſpition as enemies; & that it was prejudiciall to the Lord High Admiralls Intereſt, & the Kings Fleet for want of ſeamen, proclamation iſſued forth *de bene eſſe*, to ſuſpend the execution of the ſaid Letters Patents vntill further Order: and M. *Carew* committed by the Councell Table to the Priſon of the Fleet the 10. of Auguſt 1666. old ſtile for the Seamens pretended misdemeanours. Afterwards on the ſame day of the moneth, & houre of the day Anno 1672. *John de witt* & *Cornelis his* Brother were murthered at the Hague by the Rabble, as a Judgement vpon them for treachery & ingratitude.

(22.) During the Treaty at *Breda* after the moſt dreadful fyer & Raging Plague in the Citty of *London*, the Hollanders ſent their whole Fleet and ſupriſed *hatiam*, burnt ſeverall of the Kings Shipps, carryed away the *Royall Charles*, & made a Coffee houſe of the ſayd Shipp at *Helver Sluce*. In this great conſternation of affaires a peace was concluded at *Breda*, wherein its mentioned that all offences, Injuries, damages & Loſſes during the warr, or at any tyme before, upon any Cauſe or pretence whatſoeuer ſhould be expunged & buried in oblivion: and all Letters of Marque or Repriſalls whatſoeuer ſhould be revoked ſo farr as that Treaty could extend, which was afterwards declared & proclaymed abſolutely null & voyde.

(23.) Then *Carew* remained paſſive *pro tempore* concerning the repriſalls: but proſecuted his private actions at Law againſt *Iacob Pergen* & *Peter Boudaen*, for moneys due vpon Bonds, Bills of exchange, & accompts ſtanding out in Trade to the vallue of 130000. l. & vpwards, due to the Eſtates of *Courten* & *Pyndars*

and had brought all things ready for ſentences, but ſtill delayed by impertinent exceptions, which were removed by authentique exhibits of the Lord *Chancellor Finch*, and the two Lords Cheefe Juſtices Sir. *Richard Rainsford* & Sir *Francis Norths* opinions tranſmitted to *Amſterdam Middelburgh* & the *Hague* concerning English Contracts and Letters of Adminiſtration, wherein the Magiſtrates of *Holland* and *Zealand* had wronged the Judicature of *England*, as by the ſaid Judges opinion, with others ready to be produced, alſo appears.

(24.) New differences ariſing betweene the King & the States generall in the year 1671. another warr was threatned; then further applications weremade to the King & Councell by *Carew*, and the Perſons intereſted with him for ſatisfaction & reparation for the Loſſe & damages aforeſaid: and that ſummary ways might be provided for the ſpeedy deciſion of private actions at Law. Whereupon an Order of the Councell Board was made 21. of March 1672. referring the ſaid petition to the examination of the Right Honourable the *Lord Arlington*, the *Lord Aſhley*, *Mr. Treaſurer*, Mr. Secretary *Trevor* & Sir *John Duncomb*, or any three of them to conſider the petitioners Caſes; & what ſatisfaction their Lordspipps ſhould conceiue requiſite for his Majeſty to inſiſt vpon, when it ſhall be ſeaſonable for the ſaid Loſſes & damages, and the ſame to report to his Majeſty that order might be taken therein accordingly.

(25.) The Petitioners having ſeveral times attended the ſaid Referrees with their Caſes & the Original Letters Patents vnder the great ſeal of *England* for the recovery of 151612, l. with coſts & damages as aforeſaid, after many debates with Councell learned in the Laws, they reported that the States Generall having wholy cancelled the obligations of all paſt Treaties & agreements, and left his Majeſty & his ſubjects as free in all Juſtice & Equity as if they never had been made, they Reported their opinions to his Majeſty, that it was then iuſt & ſeaſonable for his Majeſty to *inſiſt* on reparation for his ſaid injured ſubjects, for the Loſſes & damages aforeſaid

All which they humbly ſubmitted to his Majeſties great Prudence.

Teſte Sir *Robert Howard*.

29. Iune 1672.

Shaftſhury.
Clifford.
I. Duncomb.

(26.) His Majesty hauing perused & considered the Order of Refference & Report, sent a letter under his signe manuall reciting the substance of both to his Ambassadors & Plenipotentiaries, the *Duke of Buckingham* & the *Lord Arlington*. His Majesty concluding in the said Letter, that in any Treaty to be made with the States Generall of the vnited provinces, such provision should be made for their satisfaction, as they should Judge convenient, & might consist with the State of affaires, and is suitable to the Justice of their cases, and his Care to protect his subjects in their Just rights, as well as to assist them in recovery thereof.

Dated at White Hall July 7. 1672.

CHARLES. R. by his Majesties Command.
Clifford.

The superscription whereof being as follows. To our Right trusty & intirely Beloved. And to our Right trusty & well Beloved Cousens and Councellors, Our Ambassadours extraordinary & Plenipotentiaries to Treat with our Good Brother the most Christian King, and the States of the Vnited Netherlands.

(27.) Then the said *George Carew* was sent expresly away with the said Letter, Order, & Report, hauing obtained a pasport from the States Comissioners at Hampton Court. But the said Ambassadors being gone from *Vtrecht* for *Antwerp* towards *England*, before the said *Carew* arrived at *Amsterdam*, in his returne from whence he made it in his way to call vpon his Advocates at the *Hague*, where he had severall actions depending at Law in the supreame Court of Judicature. Nevertheless the States of *Holland* apprehended the said *Carew*, and his two servants, as spyes & enemies to their Country, and committed them close prisoners to the *Gevangen Port* without access, where they continued for the space of two & twenty months during the last warr: the said *Carew* being, condemned to dye by way of Retortion for Advocate *Sasse*, Prisoner then in the Tower of London: but the Executions of both were suspended vntill further order, soe that at the end of the warr, they were released upon equall Termes.

(28.) The States Generall, being invaded by the French at Land, and their Fleets beaten by the English Navies at sea: after all advantages against them, a second peace was concluded by the Kings Commissioners, the Lord Chancelor *Finch*, Lord Treasurer *Latimer*, Duke of *Ormond*, Earle of *Arlington*, Mr. Secretary *Coventry*, and Marquis *de Fresno* the Spanish Ambassador having Procuration from the said States, upon Articles (*inter alia*) for 800000. pattacons to be paid to the King in foure yeares: the Honourable treatie at *Breda* confirmed the 9. of February 1673. (soe lately proclaymed voyd and null) Nevertheles the Prince of *Orange* had 600000 of the Pattacons assigned to him for old debts due from the late King, & his now Majesty. But *Carew* had onely 50l. ordered him by the said

ſaid Lord Treaſurer *Latimer* towards the extraordinary charge of his Impriſonment, out of the other 200000 pattacons payd to Alderman *Backwell*, upon the Kings account. But no proviſion was made for the *Bona Eſperanza* and *Henry Bona Adventure*, that are left in *ſtatu quo*.

[29.] *Charles* Earle of *Shrewſbury*, Sir *Thomas Meres*, *Thomas Kynaſton* Marchant, *George Carew*, *Thomas Coppin*, *Thomas Townſend* & others preſented perſonaly Two ſeverall peticions to the King & Councell: one to be releived concerning the 151612 l. for the ſpoyls and depredations aforeſaid; and the other concerning the particular actions depending in *Holland* and *Zealand* for 13000 l. Sterling and upwards. Upon both which peticions (being read in Councell) his Majeſty was pleaſed to appoint the 10. of October following for hearing the peticioners by themſelues, or their Councell learned in the Laws, vpon the whole Matters reſpectively. At which tyme all parties concerned, were to giue their attendance at the Councell Board, as by the ſaid Originall Orders bearing date Julii 24. 1677. appears.

(30.) Wherevpon three of the perſons intereſſed gave Copies of the ſaid Orders to Monſr. Van *Beuninghen*, the Dutch Ambaſſador (being one of the Directors & Participants of the Eaſt India Company) deſiring him (if he pleaſed) to aſſigne his Councell either of Common Lawyers or Civill Lawyers, to appeare and make their defence concerning the ſaid Complaints: but he tore the ſaid Orders in peices, refuſing to take any Notice thereof, and complained againſt the ſaid *Carew*, for countenancing the ſaid Perſons; who was committed to the Gate houſe by the Councell Table; the Ambaſſador pretending he was affronted in his houſe by Citations, & at the Exchange by publiſhing the Matter. Whereupon *Carew* brought ſeuerall writts of *Habeas Corpus* before he could be diſcharged upon baille; the Ambaſſador inſiſting that *Carew* ſhould releaſe all actions and demands mentioned in the ſaid Orders of the Councell board: which the ſaid *Carew* refuſed to doe. Then the Ambaſſador publiſhed it as an Affront.

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(31) The Peticioners and their Lawyers attended at the Councell Chamber, according to the ſeverall appointments: but could not from tyme to time be heard. Then being wearied out with delayes and expences both at home & abroad, were adviſed to have recourſe to their Letters Patents for repriſalls, and to complaine in Parliament for the denyall of Iuſtice, upon the particular Actions in the Ordinary Courts of Iudicature in *Holland* and *Zealand*.

(32.) A Small Shipp called the *George Bona Adventure* was ſett forth under the command of Captain *Compton Gwyther* in the year 1680. who tooke a Galliott Hoy, laden with french Wyne & Cheſnutts called the Loue of *Rotterdam* as a prize.

Wherevpon the Dutch Ambaſſador moved for *Proclamations ſuperſedeas*, and then a *ſcire facias*: but nothing was offered towards ſatisfaction of the ſaid debt & damages. Then *Compton Gwyther* & his ſeamen, were apprehended and tryed for Fellony & Pyracy, at a ſeſſions in the Admiralty, at the Court held in the new Hall of the Marſhallſea on the 18. of February 1680. old Style: where the Iury acquitted them: yet the ſaid prize Ship was taken away out of *Carews* poſſeſſion, by *Daniel Gyles* Marſhall of the *Iſle* of *Wight*, under collour of a warrant from the Lords of the Admiralty, and delivered to the Dutchmen againe, without any ſatisfaction to *Carew*, or any of the perſons clayming under him.

(33.) Sit *Robert Sawyer* the Kings Atturney Generall then brought a *ſcire facias* in the Kings Name, out of the Pettibagg Office in Eaſter terme 1681. againſt Sir *Edmond Turnor*, & *George Carew*, mentioning therein the Letters Patents under the great ſeale of England dated 19. of May 1665. for Reſtitution to be made to *Charles* then Earle of *Shrewsbury* &c. with the grant from the King for ſeizing and taking Dutch Shipps & goods, untill a full recovery of the debt & damages therein expreſſed: reciting the Treaty at *Breda*, and the laſt Treaty at *London* with the proclamations and ſuperſedeas; pretending the ſaid Letters Patents conſequently were Null and voyd: directing the Sherifs of Mildleſex *Slingsby Bethel* & *Henry Cornish* Eſqs; to ſummon the ſaid *Turnor* & *Carew* to appeare before the King in his high Court of Chancery 15. days after Eaſter, to ſhew Cauſe if they could, why the Letters Patents aforeſaid, ſhould not be brought into Chancery, and the Inrollment thereof razed.

(34.) Then Sir *Edmond Turnor* & *George Carew* entred their appearance & pleaded the ſame terme to the ſaid *ſcire facias* by *Mathew Pyndar* Eſq; their Atturney, reciting the Letters Patents at large with the aſſigements & adminiſtrations; averring that they or one of them being veſted in the debt & damages by the ſaid grant, had an inviolable right & intereſt, according to the Laws & Statutes of the Realm, to recover & receive the same: and that they, nor either of them, or any claiming under them, had recovered or received the ſaid 1516 l. or any part thereof, of the States or the *Eaſt India* Company, or any other perſon or perſons, out of any prizes taken by the Kings Shipps, or out of the 800000 Patacons; or any Compoſition for the ſame. Wherefore the Letters patents with the grants therein contained ought not to be brought into Chancery, or the Inrollment thereof razed. For that the King was not deceiued in his grant.

Signed by. *Richard Wallap* *Rich. Powel*
Edmond Saunders *John. Somers*
Charles Molloy

(35.) Severall of the Creditors of *Courten* & *Pyndar* concerned for many Orphans and Widows claiming their debts, impatient of longer delayes, importuned the said *Carew* to enter more Shipps in the Admiralty according to the Limitations and Proviſoes in the Letters Patents. Which being done, Captain *William Hawely* Commander of the Shipp named the *America*, took a fly boat or Galliot Hoy called the young Schoone-maker of *Dort*, laden with Wheat & Rye, and carryed the ſame into *Woodbridge* Harbour, where Sir *Thomas Smyth*, & *Edward North* two Iuſtices of the peace for Suffolke, & Mr. *Anthony Burrwood*, upon the requeſt of the Dutchmen belonging to the ſaid Schoone-maker, kept the ſaid Captain *Hawley* & his ſeamen priſoners: tooke poſſeſſion of the prize Shipp, placed 9. or 10. Townes men on Board: then ſent a Letter to Sir *Lyonel Ienkins* of their good ſervice: who procured a warrant to be ſent from the Lords of the Admiralty on the 29. of Aprill 1682. directed to *William Ioynes* the Marshall; who preſently tooke one of the Kings Yaughts, and apprehended Captaine *Hawley*, & his ſeamen: brought them away priſonners, to the Marshallſea: then reſtored the prize Shipp & Corne to the Dutch-men: and cauſed the Skipper to be bound over to proſecute Captaine *Hawley*, his Officers & ſeamen, for Pyracy & Felony: who after 44. days cloſe impriſonment were brought to their Tryall on ſaturday the 10. th of Iune 1682. at a ſeſſions of the Admiralty in *South Warke*; where the Iury upon reading the Letters Patents & the Commiſſion, found them not Guilty. The Dutch Ambaſſador then preſent in Court, & Mr. *Franklyn* the Kings Proctor ordered *Ioynes* the Marshall to arreſt them by a writ out of the Admiralty (viz) the ſaid *Carew*, Captaine *William Hawley* & his Company, *Richard Washington*, *Richard Terrett*, *Ierom Hawley*, *Thomas Tomkins*, *Iohn Taylor* & *Glanuil Lamboy*, for 2000. l. damages: vnto which the ſaid *Carew* putt in ſufficient Bayle for them all. But Mr. *Franklyn* refuſed to proſecute them, or to pay the Coſts for the ſaid unjuſt vexation, or to refund the fees of the Court; extorted from the poore priſoners being 6. l. 10. S. a man.

(36.) The Atturney Generall having ſlept vpon the plea twelue months, after it was filed to the *ſcire facias*, he then put in a generall demurrer to it. Wherevpon *Turnor* and *Carew* having ioined in the demurrer, the record was made vp, & read in Court (conſiſting of five Skins of parchment) on ſaturday the 20. of May. And Ordered to be Argued on Tuesday following, contrary to the rules & practice of the Court to Argue the ſame Terme that the Record was brought in. However on the 26. of May the Cauſe being ſett downe in the paper, and the Record read in Court, *Carew*, Councell inſiſted vpon a longer day: for that there was not tyme to copie out the Record. Then his Lordshipp made a long diſcourſe, quite from the matter, being as Satyricall vpon the Bench, as he vſed to be at the Barr: and declared his Opinion, that the ſaid demurrer ſhould ſtand, and Iudgement be entred up for the King, for revoking the ſaid Letters Patents.

And further Ordered, that the inrollment thereof should be vatated vpon record : *and that the deffendents should forth with bring the said Letters Patents, and all Exemplifications & duplicates thereof vnder Seal into Court to be Cancelled: which sayd order being drawen vp by Mr.* Pengry, *was signed by Mr.* George Edwards Deputy *Regiſter accordingly.*

(37.) In the Long vacation after this haſty Iudgement on the Latine Side, and the extrajudiciall order of the English Side, Mr. *Aaron Pengry* made forth a writt of *diſtringas* againſt *Turnor* & *Carew* directed to the Sherif of *Middeſex*, returnable in the Petty bagg, to levy the Iſſues of their Lands & Tenements vntill they brought in the ſaid Letters Patents, to be cancelled. Wherevpon the Sherif returned a *Nihil.* Then Mr. *Pengry* and Mr. *Burton* cauſed the ſaid *Turnor* & *Carew* to be ſerved with an execution of the order of 26. of May laſt, by the hands of Mr. *Vavaſour* an Atturney.

(38.) In Michaelmas Terme following the Dutch Ambaſſador being informed that the Lord Chancellors Iudgement was not finall, and that writts of Error lay both in the Kings Bench, and Parliament to reverſe the ſame; and that the very *ſcire facias* was defective in it ſelf, (if any did lye in that Caſe) the Ambaſſador preſſed his Majeſty dayly, & the Miniſters of State for the utter abolishing the ſaid Letters Patents: and all Commiſſions made purſuant thereunto, by any means whatſoever. Wherevpon it was propoſed at the Councell Table by the Lord Chancellor, that *Carew* should be taken into Cuſtody, by a Serjeant at Armes: and kept cloſe priſoner vntill he should be conformable in all things according to their order. But a Reverend Iudge one of the Councel table objecting againſt it, as ſeeming too Arbitrary in that Court, propoſed that the Atturney Generall might move in the Chancery for an attachment againſt *Turnor* and *Carew*: which he did, as by the order *following* appears.

The Regiſters Minutes Martis 5. die Decemb. 1682.

Dom. Rex } Carew. } (39.) *Mr. Atturney they will not yeild any obedience to the order, pray an Attachment, Cur: an Attachment againſt* Carew, *and Sir* Edmond Turnor *attend Mr. Attorney & doth conſent to ſigne a revocation as Mr. Attorney shall direct. Cur: take an attachment againſt* Carew, *and Sir* Edmond Turnor *now preſent in Court is to attend Mr. Attorney, and ſigne a revocation of all Commiſſions purſuant to the ſaid Patent.*

LORD

Lord Chancelor

Martis 5. die Decembr. Anno Regni Caroli Secund. Reg. 34. inter Dom. Regem quer Edm. Turnor Mil. & Georgium Carew Ar. defents.

(40.) *Vpon opening of the matter this day vnto this Court by Mr.* Attorney Generall *on behalfe of his Majeſty. It was alleadged that by an order of the 26. th. of May laſt made in this cause, it was amongſt other things ordered, that the defendants ſhould forthwith bring into this Court the Letters Patents for Repriſals granted to them the 19. th. of May 1665. and all the Exemplifications and duplicates thereof vnder Seal to be cancelled with a writ of Execution of the ſayd order, vnder the ſeal of this Court, the ſayd defendents have been ſeverally ſerved, as by affidauit now read appears. But they, nor either of them hath broug htinto Court the ſayd Letters Patents or any Exemplifications or duplicates thereof, as by certificat from the Clark of the Pettibagg and Vsher of this Court likewiſe appears. Wherefore it was prayed that an Attachment might iſſue againſt the ſayd defendants to enforce the performance of the ſayd order: but for as much as Sr.* Edmond Turnor *one of the defendants in this cauſe being preſent in Court declared that his name was onely vſed in truſt, and that he never acted in Exeention of the powers thereby given, nor would any ways act therein, but doe and Execute ſuch inſtrument as the Court ſhould direct. His Lordshi p therevpon. thought fit, and doth order that the ſayd Sr.* Edmond Turnor *doe upon requeſt ſeal and Execute ſuch reſignation of the ſayd Letters Patents, or ſuch act relating thereunto as Mr.* Attorney Generall *ſhall think fitt to prepare for that purpoſe. And in the mean time all proteſs of contempt to ſtay againſt him, but doth order that an Attachment doe forthwith iſſue into what County Mr.* Attorney Generall *ſhall direct againſt the ſayd* Carew *to anſwer his contempt.*

P. Henerie Devonish

Deput. Regiſt.

This was the laſt order made in the Lord Chancelours time in this cauſe. He died in the moneth following.

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(41) The Attachment being taken out, *Carew* entred his Appearance with the Regiſter. And was Examined vpon Interrogatories, whereby he confeſſed the ſervice of the execution of the ſaid order dated the 26. th. of May- And by proteſtation denied that he knew of any cauſe on the English ſide in Chancery between the King Plt, and *Turnor* and *Carew* Defts; denied alſo that he had the originall Letters Patent in

his hands, or Power, or any Exemplification, or duplicat thereof, but confeſſed in whoſe hands they were, particularizing the perſons names, being Creditors of Sir *William Courten* & Sir *Paul Pyndar*, or Captains imployed by them, & owners of Shipps. That he the ſaid Reſpondent *Carew* was an Adminiſtrator in truſt for others, who were to be ſatisfied after his owne debt & damages. That he was willing to ſubmitt, himſelf and his right, under the Kings protection, to his Majeſties conſideration, craving he might be indemnifyed by order of Court, and reimburſed the moneys layd out and expended upon the aſſignments, and other incident charges concerning the premiſes: and therefore concluded himſelfe not in contempt, as by his depoſitions appears.

(42.) The Attorney Generall on the 11. th of January 1682. moued the Lord Keeper *North*, that the ſaid Examinations might be referred to a Maſter of the Court, to certifye whether the ſaid *Carew* was in contempt or not: whereupon his Lordshipp ordred that the ſaid Examinations ſhould be referred to Sir *Miles Cooke* one of the maſters of the Court to certifye the ſame.

Sr. Miles Cooks Report

Inter Dom. Reg. Quer. Edm. Turnor Milit. & Georg. Carew. Ar. Defints.

(43.) In purſuance of an order of the 11. th. day of this inſtant January, I haue in the preſence of Councell on both ſides, Mr. *Charles Porter* attending for *Carew*, conſidered of the matters thereby to me referred, and peruſed the Examinations in the ſaid order mentioned, and doe find that the Deffendant *Carew* is in contempt. All which I humbly certifye & ſubmitt to the grave Iudgement of this Honorable Court.

January 25. 1682. *Miles Cooke.*

(44.) Then Mr. *Carew* perceiuing there was a Contrivance between *Mr. Attorney Generall*, *Mr. Aaron Pyngry* & Mr. *Philip Burton* of *Clifford's* Inn, who reported that he was imployed by Mr. Secretary *Jenkins*, and the Lords Commiſſioners of the Treaſury to manage the attachment & contempt againſt *Carew*.: the ſaid *Burton* reporting he would lay him by the heeles if he would not ſubmitt & doe any thing, that the Attorney Generall should direct concerning the vacating & making null the ſaid Letters Patents; for that the King could not be at reſt, for the Dutch Ambaſſadors, vntill it was done: then *Carew* addreſſed himſelf to Mr. *Graham* of *Clifords* Inn, *Burtons* Aſſociate, & left him a Peticion to his Majeſtie (with an affidavit annexed) praying that he might be indemnifyed and protected by the Court of Chancery, againſt all perſons claiming vnder him, or his

Adminiſtration any proportion of the debt veſted in him by the Letters Patents: and that he might be reimburſed vpon his reſignation, what he had been *Bona fide* out of purſe, concerning the premiſes; as in the ſaid affidavit was expreſt. Wherevpon the ſaid Mr. *Graham* told the ſaid *Carew*, the Lords Commiſſioners of the Treaſury ſhould be ſpeedily made acquainted therewith. Howeuer *Carew* preſently put in his exceptions to Sir *Miles Cookes* Report, with his proteſtation that it was *Coram non Iudice*. No Cause depending on the English ſide before him.

Order for the Exceptions ſett dovvne to be heard.

Mercurij 3. Januarij Anno Regni Caroli ſecund. Regis 35 inter Dom. Reg. Quer. Edmo. Turnor Mil. & Georgium Carew Ar defendtes.

(45.) Upon the humble peticion of his Majeſties Attorney Generall this day preferred to the Right Honorable the Lord Keeper of the great Seal of *England*, his *Lordshipp* for the reaſons therein contained doth order that the Exceptions taken by the Defft. *Carew* to the Report made in this Cauſe by Sir *Miles Cooke* K^t. one of the Maſters of this Court, whereby he is certified in contempt, be ſett downe to be heard on ſaturday next in the afternoone. Dated 31. January 1682.

The Exceptions Over-ruled.

Lord Keeper North.

Sabbati 3. die Feb. An. Regni Caroli ſecund. Reg. 35. inter Dom Reg. Quer. Edm. Turnor Milit: Georgium Carew Ar. Defts.

(46.) *The Matter vpon the Exceptions to the report of Sir* Miles Cooke, *whereby he reported the ſaid* Carew *in contempt for not bringing in the Letters Patents, and all exemplifications & duplicates thereof, according to an Order of the 26. th of May laſt to be Cancelled, coming to be this day argued before the Lord Keeper who heard Councell of both ſydes, doth order that the ſaid exceptions be ouer-ruled and declares the ſaid* Carew *to be in contempt. And doth order that the ſaid* Carew *doe Stand committed to the Priſon of the Fleet, but his being taken into Cuſtody, reſpited for a weeke to ſee whether the ſaid Defendant* George Carew *would ſigne & execute ſuch revoca-*

tion or other instrument, as M. Attorney Generall should think fitt for Annulling the said Letters Patents: as the other defendant Sir Edmond Turnor *hath offered, and is odered to doe. And if in that tyme he shall refuse to doe it, then he is to stand committed to the prison of the Fleet for such his contempt without farther motion; and to be taken into Custody.*

Signed P. Heneric Devonish Deput. Regist.

(47.) Then *Carew* consulted with Sir *Francis Winnington* & *Mr. Williams*, who were retained to move the Court to discharge the Order of the 5. th of December last, the Court being abused therein; as also the last Order, declaring the said *Carew* to be in Contempt; being Irregular against all presidents and practice of the Court; and gave Notice in writing to move accordingly on Thursday the 8. th. of February. 1682.

(48.) Sir *Francis Winnington* then vpon his Motion alleadging, that the Cause Originally arrising out of the Pettybagg, craved that the said Orders on the English side might be discharged & offered a late President for it: yett howeuer, that the said *Carew* was ready to doe any thing that he might lawfully doe, as to the revocation of all Commissions granted by him in pursuance of the said Letters Patents, or any other Act (with a *Saluo* to his trust) as an Administrator. Which the the Lord Keeper seemed to approve of, giuing a fortnights time to the said *Carew*, to agree with the said Attorney Generall about it, The affidauit fyled in Chancery, being offered in Court as follows.

Inter Dom. Reg. *Quer.* & Georg. Carew *Ar. Def.* } In a Cause upon the *Scire Facias* brought by Mr. *Attorney Generall* in the Pettibagg.

(49.) *The Defendant maketh Oath, that he this* Deponent *hath not directly nor indirectly recieved or recovered any Satisfaction or Reparation for the principall Debt of* One Hundred Fifty One Thousand Six Hundred and Twelve Pounds, *mentioned in the Letters Patents for Reprizalls cited in this Cause, (nor even the costs and charges of Equipping out Frigats, most of the Ships brought in as Prize, being reclaimed and restored by the Iudge of the Admiralty, to the subiects of other Nations) wherein His Majesty declared himself to be concerned in Honour and Iustice, that the Proprietors should be satisfied and repaired. And also granted, that the said Letters Patents should continue effectual in the Law, against the* States Generall *of the* United Netherlands, *and their Subiects, untill the said Debt and Dammages should be recovered, or a composition made for the same.* And this deponent *further Saith, that He this* Deponent *being advised by his Counsell, that the said Grant had irrevoakably vested the Right an Interest in him this* Deponent, *and that Sir* George Downing *had*

had been offered in the year 1663. two Hundred Thouſand Guilders *by the* States Deputies, *for the Spoils and Depredations (in this caſe) on the behalf of Him this* Deponent, *and the other Proprietors, as by the ſaid Sir* George Downings *Anſwer upon Oath in this Honourable* Court *appears: although an inconſiderable Sum for the Loſſ and Dammages ſuſtained. And this* Deponent *ſaith, that He this* Deponent *was induced thereupon to Mortgage and Aſſigne his Houſes and Lands in* London, Worceſter Shire *and* Surry, *for the Sum of* Eihgt Thouſand Five Hundred Pounds *unto* Thomas Foley *Eſq.* Thomas Colmam *Eſq. and* Iohn Holworthy *Marchant, who ſince ſurrendred the Eſtate in* Richmond *to Sir* Iames Butler. *All which Money was imployd to take in ſeverall Aſſignments upon the Ships* Bona Eſperanza *and* Henry Bona Adventura, *from Sir* William Powel, *and Sir* Edward Litleton, *to unite all Intereſts into one, and alſo to enter into* Covenants *for ſatisfying Sir* Iohn Ayton, *and others their principal Debts, upon delivering up their Bonds and other Securities, and to give out ſeverall Commiſſions or Deputations, Indorſed upon Exemplifications of the ſaid* Letters Patents *to divers Captains nominated by ſeverall of the Creditors of Sir* William Courten, *and Sir* Paul Pyndar, *claiming under this* Deponents *Adminiſtration, with Covenants purſuant to the Letter in the Kings Grant: that The ſaid Commiſſions ſhould continue in full Force and effect untill the ſaid Debt of* 151612. *l. with Coſts and Dammages ſhould be Reprized, or compounded to the true intent and purport of the ſaid* Letters Patents: *and that this* Deponent *would not do any Act to Releaſe or Diſcharge the ſame, Sir* Edmond Turnors *name being only uſed in Truſt in the ſaid Patent for this* Deponent, *and others claiming under this* Deponents *Adminiſtration, as He the ſaid Sir* Edmond Turnor *openly declared in this Honourable Court. And this* Deponent *ſaith that He this* Deponent, *lately exhibited his humble Petition to the King and Councel (praying that He this* Deponent *may be Reimburſed the Money which he hath* Bona Fide *diſburſed and expended concerning the Premiſes, and not be left in a worſe condition than he was in the year* 1665. *when the ſaid Letters Patents were granted to him of common Right according to the Laws and Statutes of this Realm) mentioned in His this* Deponents *Anſwer to the Interrogatories: this* Deponent *being willing thereupon to Sign any Inſtrument or* Writing *upon Record, for ſurrendring the ſaid Letters Patents for His Majeſties Service; provided that He this* Deponent *may have the Protection of this Honourable Court for executing ſuch an Inſtrument or Writing, and likewiſe the effectual recommendation of His Majeſty for ſpeedy Juſtice, ſo long delayed (although ready for Judgment) upon civil Actions depending at Law againſt the Heirs and Executors of Mr.* Jacob Pergens *and* Peter Boudaen, *in* Amſterdam *and* Middleburgh, *for Moneys due upon Bonds, Bills of Exchange, and Accompts in Trade, as they are ſett forth in the ſaid Petition,* no *ways comprehended, in the ſaid* Letters Patents for Repriſals.

Iurat 5. Die Februar. 1682.
Coram me Magiſt. Cancel. George Carew.
S. CLARKE.

Ex. per *S. Poyntr.*

Then the petition following to his Royall Highneſs, was left with his Secretary concerning the matters contained therein.

The Humble Petition of *George Carew* Eſq; one of the Cuſtomary Tenants of the ſayd Mannour.

To his Royall Highneſs Iames *Duke of Yorke &c. Lord of the Mannour of* Richmond (*alias*) *Weſt*-Sheene *in the County of Surrey.*

SHEWETH.

(50.) THat your Peticioner having purchaſed in the year 1659. nine ſeverall Cottages of *Samuell Randall*, *Thomas*, *Cogdell*, *Walter Renaults* and others, with ſeverall ſmall pieces of ground adjacent and thereunto belonging, on, and about *Richmond* Hill, your peticioner demollished the ſame, in regard the ſaid Cottages were receptacles of ſuch poore Inhabitants, that were chargeable and burthenſome, to the Pariſh. And in the Room thereof, built three faire brickhouſes with Coach houſes, Barne, Stables and out buildings to them, whereby your Peticioner improved the Kings Revenue, in Hearth-money, and the rents and profitts of your Highneſs; by laying out eight thouſand pounds Sterling & upwards, about the ſaid buildings, as by the particular accompts thereof appears.

That your Peticioner, in the year 1662. being a Tenant of a certaine houſe, ſometime belonging to *Thomas Scott*, in the Parish of St. *Andrews* in *Holborne*, which was mortgaged with ſeaven others unto *Henry Stobell* Eſq; in the year 1646. for the ſumm of 1200 l. Sterling; which ſayd houſes your Highneſſ claimed under the Kings grant, as forfeited for treaſon: thereupon your Peticioner was induced to enter into a Contract with the Commiſſioners of your Highneſs, for the purchaſe of the ſame, for the ſumme of 1400 l. vpon preſumption that your Highneſs had a good title theunto, having made a ſurvey thereof, and offered them to ſale. Whereupon your Peticioner advanced 100. l. to Capt. *Iohn Maxwel*, vpon a warrant and order from your Highneſs, and your Commiſſioners, as a gratuity to the ſaid *Maxwel*, for apprehending the ſaid *Thomas Scott* in the Spanish *Nethlands*; and 250. l. to *Daniel Gotherſon* Eſq. which was to be allowed out of the ſayd purchaſe money. That before any other money was payd, your Peticioner made a further inſpection into the ſaid Title, and was adviſed by his Councell learned in the Law, that the ſayd *Henry Stobell* and his Aſſignes had an abſolute eſtate in fee ſimple, in the ſaid houſes, noe way lyable to an Equity of redemption, nor any way compriſed in the act of Parliament, and his Majeſties grant to your Highneſs. For that a forfeitute being made to the ſayd *Stobell*, before the time of the moſt horrible treaſon committed by the ſayd *Scott* in the murther of your Royall Father King *Charles* The Firſt, there was nothing left in *Scott* to forfeit, as hath been adjudged in *Sandes* his Caſe and others. Wherefore your Peticioner purchaſed the ſaid houſes in St. *Andrews* Parish afterwards of Mr. *Benjamen Heather*, Aſſigne under the ſaid *Stobell*, *Edmond Prideaux* Eſq. and others, for a valuable conſideration, without any condition of redemption whatſoever: ſoe that your Pe-

ticioner hath been deprived of thē ſaid 350. l. ever ſince the year 1663. without any reſtitution or reparation for the ſame. That your Peticioner in the proſecution of his right, from the Eaſt *India* Company of the united *Netherlands* was forced to mortgage his ſaid Eſtate in *London*, *Richmond* & *Worceſterſhire*, being obliged to take in ſeverall Aſſignements vpon the Shipps *Bona Eſperanza* and *Bona Adventura*, in order to Letters of Repriſalls, againſt the *Hollanders*: ſo conſequently the ſaid houſes in *Richmond* were lately conditionally ſurrendred bv your Peticioner, and Mr. *Hollworthy* for 2500. l. on the fifth day of July 1680. to Sir. *Iames Butler* for payment of 2.650. l. on the 6. th of July 1681. who for want of his money at the day was forced (as he pretends) by Sir *Iohn Coell* Steward of the ſaid Mannour, and *Robert White* Baylife there to your Highneſs, to pay an Arbitrary fine of 261. l. for his admittance to the ſaid houſes, at a private Court called on purpoſe within two moneths after, and then forecloſed your Peticioner of his Equity in Chancery. Notwithſtanding your Peticioner lay under ſeverall other circumſtances of oppreſſion, as by the *Affidavit* hereunto annexed and filed in Chancery appears; which was well known to the ſaid Sir *Iames Butler*, Sir *Iohn Coell* and *Robert White*, who had Each of them, your Peticioners Caſe in print.

Your Peticioner therefore moſt humbly Prays, that your Highneſs would be pleaſed, to take the premiſes into your moſt Princely conſideration, that a Compenſation may be made to your Peticioner accordingly. And that your Highneſs would be graciouſly pleaſed effectualy to move his Majeſty, that right may be done to your Peticioner for the matters contained in the ſaid affidavit, even as your Highneſs ſhall apprehend the merits of the Cauſe.

And your Peticioner ſhall ever pray &c.

George Carew.

(51.) It is to be remarqued, that Sr. *Iames Butler*, being ſoe earneſt for Mr. *Carews* Eſtate in *Richmond*, that he brought Ejectments, vpon originall writs, after his decree in Chancery to prevent writs of *Error*; and ſoe the ſayd *Carew* was forced to comply with him in Hillary terme 1682. for 200. l. and the Lady days rent following, to give him quiet poſſeſſion, and releaſe of his Equity. He promiſing vpon his Honor to ſurrender the ſayd Eſtate againe to Mr. *Carew* (when he recovered ſatisfaction either from the Hollanders or the Crowne of *England*) vpon payment of the principall money intereſt and Charges, together with all further diſburſments, that he ſhould be at, for improvement of the ſaid Eſtate.

(52.) NOtwithſtanding the ſaid *Pengry* was made acquainted, with the ſaid Petition to his Royall Highnes; and that Addreſſes were making to him for accommodating the ſayd affaire: yet the ſaid *Pengry* with the direction of the

Attorney Generall, drew up an Order, alleadging that Sir *Francis VVinnington* declared, that the ſaid *Carew* was willing to doe any Legall act, for the revocation of the ſaid Letters Patents: wherein it was poſitively ordered, that the ſaid *Carew* ſhould execute ſuch an Inſtrument, as Mr. Attorney Generall ſhall think fitt, for the revocation & annulling the ſaid Letters Patents, or to ſtand committed to the Fleet (without any manner of ſatisfaction or reparation:) but his being taken into Cuſtody reſpited for a fornight, to ſee whether he will execute ſuch an Inſtrument as aforeſaid: and if in that tyme he ſhall not doe it, to ſtand committed to the Priſon of the Fleet for his contempt, withour any further motion: and ordered that all proceedings at Law ſhould be ſtopt againſt Sir *Thomas Smith*, *Edward North* Eſq; & *Anthony Burwood* at the ſaid *Carews* ſuite: and paſſed the ſame with the Regiſter accordingly, without giving any Copy thereof firſt, for Sir *Francis VVinningtons* peruſall, who renounced the ſame being expreſſy contrary to his motion.

(53.) Then the ſaid *Carew*, preſented a short peticion on the 17. th. of February 1682. to the Lord keeper *North* for Councell of both ſides to attend him with the Regiſter, that the order might be ſetled according to Sir *Francis VVinningtons* motion, annexing a Copy of the affidavit aforeſaid to the ſaid Peticion. Whereupon his Lordſhipp having Peruſed the peticion & affidavit, deſired to ſee a Copy of the laſt Order; which being ſhewne unto him, his Lordshipp refuſed to give any direction, or make any appointment, for the Councell & Regiſter to attend him. Whereupon Mr. *Aaron Pengry* on the 20. th. of February 1682. delivered a Copy of the Inſtrument (Drawn up by the Attorney Generalls direction for Sir *Edmund Turnor*, & the ſaid *George Carew* to ſigne & ſeal.) unto Mr. *Carews* ſervant for his maſter to peruſe, & conſider of in time, being as follows.

A COPIE OF THE INSTRUMENT OF RESIGNATION

(54.) TO all CHRISTIAN People, to whome theſe preſents ſhall come wee Sr. *Edmond Turnor* Knight and *George Carew* Eſq. ſend greeting. *VVhereas* our moſt gratious Soveraign Lord CHARLES the Second, by the Grace of God, King of *England*, *Scotland*, *France* and *Ireland*, Defender of the Faith &c. In, and by his Majeſties Letters Patents under the great ſeal of *England*, bearing date at Weſtminſter, on or about the Nineteenth day of May; in the ſeaventeenth year of his ſaid Majeſties Reigne, for Reſti-

Reſtitution to be made to the Earle of *Shrewſbury*, and others in the ſaid Letters Patents named, partners with one *William Courten* Eſq; then deceaſed, of certaine shipps, Goods and Marchandizes in the ſaid Letters Patents ſpecified, from the ſaid *William Courten*, and his partners aforeſaid, before that time unjuſtly taken, and detayned by the Subjects of the ſtates Generall of the united Provinces of the Netherlands in forreigne parts, did give to the ſaid Sir *Edmond Turnor* and *George Carew* (two of the aforeſaid partners in the ſame Letters Pattents named) their Executors, Adminiſtrators or Aſſignes on behalfe of themſelves, and others the partners aboveſaid, Licence and Authority for equipping, victualing, furnishing and ſetting to Sea ſoe many, and ſuch shipps, and Pinnaces as they would; and for the ſetting upon taking, and ſeizing with the ſame, all shipps, Goods, Moneys and Marchandizes of the ſaid States Generall, and their Subjects, inhabiting within any of their Dominions and Territories whatſoever, and of every particular eſtate within the Provinces aforeſaid, whereſoever they should be found out of any port of *England*, or *Ireland*, with divers and ſundry powers Authorityes, clauſes and Proviſoes in the ſaid Letters Pattents contayned, and mentioned, as by the ſaid Letters Pattents, relation being thereunto had, may more fully appeare. *Now Know yee* that wee the ſaid Sir *Edmond Turnor* and *George Carew*, and either of us, according to our duty doe moſt humbly and willingly ſurrender, and yeild up unto our ſaid gratious ſoveraigne Lord the Kings Majeſtie, and relinquish the aforeſaid Letters Pattents, and all and every power and powers, Authority and Authorityes, Liberty and Liberties, in, and by the aforeſaid Letters Pattents, or by any other Letters Pattents, Comiſſion, or Comiſſions, or

otherwiſe to us, or either of us, by his ſaid Majeſtie given, granted, or committed for, or touching the premiſes. And wee doe humbly beſeech his Majeſtie to accept of this our Surrender, and Reſignation; and that he would gratiously ſignifie, and declare his Royall pleaſure, that the ſame may be recorded, and enrolled according to law, for excluding and debarring us, and either of us from any benefit, advantage, or pretence whatſoever, of, for, or touching the premiſes. And we doe hereby Revoake, recall, and abſolutely annull all Comiſſions, Deputations, powers and Authorityes, by us, and either of us, att any time, or times heretofore given, or granted to any perſon, or perſons, by vertue, or Colour of the before mentioned Letters Patents, or any of them, or touching the premiſes in any wiſe. In Teſtimony whereof, wee the ſaid Sir *Edmond Turnor*, and *George Carew* have hereunto ſet our hands and ſeales. Dated the day of in the five and Thirtith yeare of his ſaid now Majeſties Raigne. And in the yeare of our Lord God one Thouſand ſix Hundred Eighty Two.

MEMORANDUM.

THat Letters of Repriſalls being the ſoveraign Remedy in ſuch Caſes of ſpoyles: and applicable onely where other means have failed. The ſubjects of other Kingdomes having alſo craved ayd by that uniuerſall Remedy according to the law of Nations towards their reliefe for debts incumbent, upon the effects of Sir *William Courten* and Sir *Paul Pyndar*: Wherefore the Letters Patents are recited at large both in English and French to ſatisfie all man Kind, that under the Circumſtances of (*Vox Veritatis*) the whole matter. *A reſignation* and *reparation* ought to goe hand in hand *ſemel & ſimul*, the Honor and intereſt of the nation being ſoe dieply concerned therein.

A Perfect Copy of the ſayd Letters Patents under the great ſeal of *England* hereafter follows in English.

CHARLES *the Second, by the Grace of God, King, of England, Scotland, France and Ireland, Defender of the Faith, &c. To all Chriſtian People to whom theſe Preſents ſhall come, Greeting. Whereas our loving Subject* William Courten *Eſq; deceaſed, and his Partners, in the year* 1643 *by the Depredation and Hoſtile Act of one* Geland, *Commander in Chief of two Ships belonging to the Eaſt India Company of the Netherlands, was between Goa and Maccao in the Streights of Malacca, deprived and moſt injuriously ſpoiled of a certain Ship named the* Bona Eſperanza, *and of her Tackle, Apparel, & Furniture, and all the Goods and Lading in her, upon a very hopeful trading Voyage to China, which were carried to Batavia, and there all de facto, without due Proceſs of Law confiſcated: And that alſo in the ſaid year, another laden Ship of our ſaid Subject, called the* Henry Bona Adventure, *being come on ground on the Iſland Mauritius, was there both Ship and Goods ſeized upon by ſome of the Officers and Miniſters, and others under the Command of the ſaid Eaſt India Company, and utterly detained from the right Owners. And whereas the ſaid* William Courten, *and his Aſſigns in his life time, uſed all poſſible Endeavours to recover the ſaid Ships and Goods, and to procure further Juſtice againſt the Malefactors, and yet could obtain no Reſtitution or Satisfaction, whereby they became to be much diſtreſſed and utterly undone in their Eſtate and Credit: and that thereupon, and upon the moſt humble Supplication and Addreſſes of* Francis *Earl of* Shrewsbury, *and* William Courten *Eſq; Son and heir of the ſaid* William *deceaſed, Sir* John Ayton, *and Sir* Edmond Turnor *Knights,* George Carew *and* Charles Whitaker *Eſquires, on the behalf of themſelves and divers others Intereſted in the ſaid two Ships* Bona Eſperanza *and* Henry Bona Adventure, *and in the Eſtates of the ſaid* William Courten *deceaſed, Sir* Edward Littleton *Baronet, and Sir* Paul Pyndar *Knight deceaſed, that We would take their Caſe into Our Princely conſideration. We out of the juſt ſenſe We then had, and ſtill have of their unjuſt Sufferings in that Buſines, both by Our own Letters under our Sign* Manual *to the* States Generall *of the* United Provinces, *and by Sir* George Downing *Knight and Baronet Our envoy Extraordinary, to whom We gave Eſpecial Com-*

mand ſoe to do, required ſatisfaction to be made according to the Rules of Iuſtice and the Amity and good Correſpondence, which VVe then deſired to conſerve with them firm and Inviolable. And whereas after ſeveral Addreſſes made to the ſaid States Generall by our ſaid Envoy, and nothing granted effectuall for Relief of our ſaid ſubjects (whom we take our ſelves in Honour and Iuſtice, concerned to be ſatisfied and repaired) we lately commanded the ſaid Sir George Downing to intimate and ſignify to the ſaid States, That we expected their final Anſwer, concerning ſatisfaction to be made for the ſaid Ships and Goods by a time then prefixed, and ſince elapſed. That VVe might ſo govern Our ſelves thereupon, that our aforeſaid Subjects might be relieved according to Right and Iuſtice: And yet no ſatisfactory Anſwer hath been given, ſo that we cannot but apprehend it to be, not only a fruitleſs Endeavour, but a proſtituting of our Honour and Dignity, to make further Application, after ſo many Denyals and Slightings. And whereas Iohn Exton, Doctor of Laws, Iudge of Our High Court of Admiralty of England, upon our Command, to certify to Us the Value of the Loſſes and Damages ſuſtained by the ſaid William Courten and Partners, whoſe Intereſt is now veſted in our loving Subjects, Sir Edmond Turnor Knight and George Carew Eſq, and Partners, hath upon full examination, and Proofs thereof made by Witneſſes in Our High Court of Admiralty, Reported and certified under his Hand, That the ſame do amount to the ſumm of one Hundred Fifty one Thouſand ſix hundred and twelve pounds. Now Know Ye, That for a full Reſtitution to be made to them for their Ships, goods and Marchandizes, of which the ſaid William Courten, and the Aſſigns of the ſaid William Courten and Partners, were ſoe deſpoiled as aforeſaid, with all ſuch Coſts and Charges, as they ſhall be at for Recovery of the ſame: VVe by Advice of our Privy Councel have thought fit, and by theſe Preſents do grant Licenſe and Authority under Our Great Seal of England, unto Our ſaid Subjects Sir Edmond Turnor and George Carew, their Executors, Adminiſtrators and Aſſigns, for, and on the behalf of themſelves, and other perſons intereſſed as aforeſaid, to Equip, Victual, Furniſh, and ſet to ſea from time to time, ſuch, and ſo many Ships and Pinaces as they ſhall think fit: Provided alwayes that there be an Entry made and Recorded in the Admiralty Court of the Names of all Ships, and of their Burthen and Ammunition, and for how long time they are Victualed: And alſo of the Name of the Commander thereof, before the ſame, or any of them be ſet forth to ſea: And with the ſaid Ships Pinaces by Force of Arms to ſet upon, take and apprehended

and

any of the ships, Goods, Moneys and Marchandizes of the said States Generall; or of any of their subjects, inhabiting within any of their Dominions or Territories whatsoever, of any particular Estate within those Provinces, and the Inhabitants thereof; wheresoever the same shall be found, and not in any Port or Harbor of England or Ireland unless it be the ships or goods of the Parties that did the Wrong. And the said ships, goods, Moneys and Marchandizes, being so taken and brought into some Port of Our Realms or Dominions, an Inventory thereof shall be taken by authority of Our Court of Admiralty, and Iudgment shall be given in Our Court of Admiralty by the Iudge or Iudges thereof, for the time being, upon Proof made before him or them, That the same ships, goods, Wares, Merchandizes, or M[illegible] did belong to the States General, or any of their subjects, as aforsaid. T[illegible] shall be lawfull Prize to the said Sir Edmond Turnor and Georg[illegible] their Executors Administrators and Assigns, as aforesaid, to keep a[illegible] their or any of their Possessions, and to make sale, and dispose thereof in[illegible] ket, or howsoever else, to their and every of their best advantage and be[illegible] ample manner, as at any time heretofore hath been accustomed by way of [illegible] and to have and injoy the same as lawfull Prize, and as their owne proper Goods: 'so that neither the Captains Master nor any of the Company that shall serve in his 'owne person, or shal promote and advance the said Enterprize in manner and form 'aforesaid, shal in any manner of wise be reputed or Challenged for any Offender 'against any of Our Laws. And that also it shall be lawfull for all manner of Persons, as well our Subjects as any other, to buy the said Ships, Goods and Mar-'chandizes so taken, and apprehended by the said Captains, Masters and others, and 'adjudged as aforesaid, without any Damages, Losse Hindrance, Trouble, Mo-'lestation, or Incumbrance, to befall the said Buyers, or any of them, in as ample and 'lawfull manner, as if the Ships, Goods, Wares and Marchanpize had been come 'and gotten by the lawfull Traffique of Marchants, or of just Prizes in time of open War. Provided alwayes, That all ships, Goods and Marchandizes, taken by Virtue of this Our Commission shall be kept in safety, and no part of them spoiled, wasted or diminished; nor the Bulk thereof broken, untill Iudgment have first past, as aforesaid, That they are the Ships and Marchandizes of the States General or some of their subjects, as aforesaid. And if by colour of this Our Commission, there shall be taken any ships, goods or merchandizes of any of Our loving subjects, or the subjects of any Prince, or State in good League, or Amity with us (except the States General) or

their ſubjects, as aforeſaid: and the Goods therein Laden, ſold, embezled or diminiſhed, or the Bulke thereof broken in any place, before they ſhall be adjudged to belong to the ſaid States General, or to ſome of their ſubjects, as aforeſaid, That then this Commiſſion ſhal be of no ſufficient Authority to take the ſaid ſhips Goods and Merchandizes, or to Warrant, and ſave harmleſs ſuch as ſhall Receive, Buy or Intermedle therein: but that both the Prizes ſo taken, and the ſaid ſhip of War, ſhall be confiſcate to Our Uſe. And further, we do hereby declare, That it is Our Will and Pleaſure, That this Our Commiſſion ſhall remain in full Force and Power, to all Intents and Purpoſes, until the ſaid Edmond Turnor *and* George Carew, *their Executors, Adminiſtrators, and Aſſigns, as aforeſaid, ſhall by reof have by Force of Arms Apprehended, Taken, Seized, Recovered and om the ſaid States General, or their Subjects, One hundred fifty One ix Hundred and Twelve Pounds according to Appraiſement to be made Appraiſers upon Oath Nominated and Authorized in Our ſaid Admiralty, of all ſuch Ships, Goods, Wares and Marchandizes, as ſhall from the ſaid States General, or any of their Subjects, by Virtue of this miſſion, or ſhall otherwiſe receive Satisfaction of the Debt aforeſaid, by Compoſition to be made between thoſe of the* East India *Company of the* Netherlands, *and the ſaid Sir* Edmond Turnor, *and* George Carew, *their Executors, Adminiſtrators and aſſigns as aforeſaid, * Notwithſtanding it may ſo happen, the preſent Difference between Vs, and the States General depending upon General Repriſals, may be agreed and compoſed, and that in the Interim a Peace and good Correſpondence may be renewed between Vs, and the ſaid States General: In which Caſe Nevertheleſs, It is Our Will and Pleaſure, That in the Execution of this our Commiſſion, no Violense ſhall be done to the Perſons of the ſaid Subjects of the ſaid States General, but only in Caſe of Reſiſtance, and that after, in cold Bloud, the ſaid Subjects of the ſaid States General, if hurt or wounded, ſhall be uſed with all convenient Office of Humanity and Kindneſs. * And Our Further Will and* Pleaſure; *is, That although it ſhall happen, That all Hoſtility between Vs and the States General, and Our reſpective Subjects ſhall ceaſe, yet this Our Commiſſion ſhall remain, and be in full Force and Power, to the ſaid Sir* Edmond Tur-

'nor and George Carew, their Executors, Administrators and Assigns, as afo-
'resaid, by Virtue hereof to apprehend, Take and Seize by Force and Arms, so
'many more of the said Ships and Goods of the said States Generall, or any of their
'said Subjects, as besides the said Summ afore-mentioned shall countervail, satisfie
and pay all such Costs and Charges as the said Sir Edmond Turnor and George
'Carew, their Executors, Administrators and Assigns, as aforesaid; shall from time
'to time make Proof to have disbursed and paid towards the Equipping, Manning,
'Paying, Furnishing and Victualing of the said ships, so Licensed and Authorized,
'as aforesaid, by this Our said Commission to be Equipped, Manned, Payed,
'Furnished and Victualed by the said Sir Edmond Turnor and George Carew,
their Executors, Administrators and Assigns, as aforesaid, for the purpose aforesaid.
And Our will and Pleasure is. and we do hereby require Our Iudge or Iudges
of Our High-Court of Admiralty, for the time being, and all other our Officers
of the Admiralty, and all other our Iudge or Iudges, Officers, Ministers and sub-
jects what soever, to be aiding and assisting to the said Sir Edmond Turnor and
George Carew, their Executors. Administrators and Assigns as aforesaid, in
all points in the due Execution of this Our Royal Commission, and to proceed to Ad-
judication, and to adjudge all ships, Marchandizes, Moneys and goods by Virtue
thereof to be taken and proved to belong to the said States General or any of their
subjects, to be Lawful Prize to the said Sir Edmond Turnor and George Ca-
rew, their Executors, Administrators and Assigns, as aforsaid, according to Our
Princely Intention, hereby signified and expressed, and to take Care that this our
Royall Commission be duely executed and Construed in all respects, to the Benefit and
best Advantage of the said Sir Edmond Turnor and George Carew, their
Executors Administrators and Assigns, as aforesaid. In Wittnes whereof, we have
caused these our Letters to be made Patents. Wittness Our self at Westminster
the 19. day of May, in the 17. Year of Our Reign.

Per ipsem Regem

Barker

Copie de l'Octroy & Lettres de Repreſaille, données & ſignées du Grand Seau d'Angleterre, contre les Eſtats Generaux & leurs Sujets, pour 1612. l.

CHARLES, *par la Grace de Dieu, Roy d'Angleterre, d'Eſcoſſe, de France, & d'Yrlande, deffenſeur de la Foy, &c.* A tous Peuples Chrêtiens, qui ces preſentes verront, ou oyront ſalut. Comme ainſi ſoit que nôtre bien aymé ſujet *Guilliaume Courten*, Eſcuyer defunct, avec ces participans en l'An 1643. par hoſtilité & violence exercée par un *Grelant*, Commandant de deux Navires de Guerres, appartenans à la Compagnies des Indes Orientales, des Provinces Unies des Païs-Bas, entre *Goa* & *Maccao*, au détroit de *Mallaca*, fut fort injurieuſement privé & ſpolié d'un Navire nommée *Bon Eſperance* avec toutes ces appartenances & marchandiſes, chargées, vogant un voyage âvantageux vers *China*, & fut mené à *Batavia*: là où *de facto* ſans aucune forme de procés, on l'a fait confiſquer; & de plus en la même année encore un autre Navire avec ſa charge, nommé *l'Henry bon Aventure*, appartenant à noſdits Sujets, environ *l'Iſle Mauritius*, où il êtoit arrêté ſur le ſec, où les Officiers & Miniſtres êtant au ſervice de ladite Compagnie des Indes Orientales, s'en ſont ſaiſis, & en ont fruſtrés les proprietaires. Et combien que ledit *Guilliaume Courten*, & ſes authoriſées pendant ſa vie, ayent fait tous les devoirs poſſibles pour la recouvrance deſdits Navires, & pour obtenir Juſtice contre les malfaiteurs, ſi n'ont-ils pourtant peu obtenir reſtitution, ny avoir ſatisfaction, en quoy ils ſont fort oppreſſées & ruinées tant en leurs biens, qu'en leur credit: C'eſt à quoy ayant égard, aux humbles ſupplications de *François Comte de Shrewsbury*, & de *Guilliaume Courten*, Eſcuyer, fils de fils & Heritier dudit *Guilliaume Courten*, defunct, du S.r *Jean Ayton*, & du S.r *Edmond Turnor*, Chevaliers, de *George Carew*, & de *Charles Waitaker*, Eſcuyers, tant pour eux mêmes, que pour pluſieurs autres intereſſés eſdits Navires *Bon Eſperance* & *Henry Bon Aventure*, comme auſſi dans les biens du ſuſdit *Guilliaume Courten* defunct, S.r *Eduard Littleton*, Baronet, & du S.r *Paul Pindar*, Chevalier defunct, nous ſupplians de prendre cette leur cauſe en nôtre Royale conſideration. Nous meu d'un juſte ſentiment, que nous avions lors & avons encore de leur injuſte outrage,

ge, avons tant par nos Lettres envoyées aux Eſtats Generaux des Provinces Vnies des Pays-Bas, que par S.r *George Downing* Chevalier & Baronet, nôtre Envoyé Extraordinaire, auquel avons donné un ſpecial commandement de ce faire, avons demandé que ſatisfaction fut fait ſelon la forme de Iuſtice d'Amitié & de bonne correſpondance, que Nous avions lors de tenir, & garder inviolablement.

Et aprés avoir fait diverſes recherches par nôtre dit Envoyé, auſdits Eſtats Generaux, ſans aucun fruict pour noſdits Sujets; pour leſquels nous nous trouvons ſelon nôtre honneur, & l'equité de Iuſtice, obligés d'avoir ſatisfaction. Nous avons depuis ordonné audit S.r *George Downing*, de dire aux Eſtats Generaux, que nous étions attendans leur diffinitive reſponce, dans un têms prefix, touchant la ſatisfaction qu'ils deſirent de donner deſdits Navires, afin qu'en ſuite dudit têms, nous voyons comment nous auront à nous regler à ce que nos ſujets ayent une redreſſe ſelon droit & Iuſtice, ce nonobſtant nous n'avons pas juſques à preſent receu aucune reſponce ſatisfactoire, tellement que nous impietons, que nôtre travail n'eſt pas ſeulement infructueux; mais que nôtre honneur & dignité y eſt interreſsée & proſtituée, aprés tant de refus & mépris, pour faire plus ample application. Et comme *Iean Exton*, Docteur en Droit & Juge de nôtre Cour de l'Admirauté d'Angleterre a eu Ordre de Nôtre Part de Nous certifier à combien monte la perte & dommage, ſouffert, par ledit *Guilliaume Courten* & Conſors, les Intereſts duquel ſont à preſent devoulus, à nos aymés Sujets, *Sr. Edmond Turnor*, & *George Carew* & Conſors, qui en ſont inveſtis ſelon la precedente examination de toutes les pieces, & témoignages rendus par les Témoins en Nôtre Cour de l'Admirauté, nous a rapporté & certifié par écrit ſoûs ſa main, quelle revient à la ſomme de cent cinquante un mille ſix cens & douze livres.

Sçavoir faiſons par ces preſentes, que pour le faire parvenir à la recouvrance de leurs Navires, biens & marchandiſes, deſquels ledit *Courten* & ſes Aſſociés, ont été privés, comme dit eſt, avec tous les dépens qu'ils ſeront obligés de faire pour la recouvrance d'iceux: nous avons avec l'âvis de nôtre Conſeil privé, trouvé bon, d'Octroyer & de donner à noſdits Sujets *Sr. Edmond Turnor* & *George Carew*, Eſcuier, leurs Executeurs, Adminiſtrateurs & Adjoincts, tant pour eux, & pour toutes perſonnes interreſſées, comme dit eſt; licenſe, pouvoir & authorité, ſoûs nôtre grand Seau d'Angleterre, d'équipper, mettre en mer de temps, en temps, tels & autant de Navires de

Guerre & pinasses, qu'ils jugeront être expedient, & necessaire, moyennant qu'iceux seront declarés & enregistrés en la Cour de l'Admirauté. C'est à sçavoir le nom de tels Navires, de combien de Tonneaux ou l'ay & équipage, & pour combien de têms iceux sont avitaillées, comme aussi le nom de ceux, qui commanderont sur iceux, avant qu'ils ail'ent en mer, & avec lesdits Navires, par force d'armes, attaquer, prendre & amener tels Navires, Biens, Argent, & Marchandises qu'ils pourront attraper, appartenant aux Etats Generaux, ou à quelqu'un de leurs Sujets, demeurant en quelque lieu de leurs Domaines, ou quelque Etat particulier dans lesdites Provinces, comme aussi les habitans d'iceux, en tous les lieux, ou ils pourront être saisis: mais non és Havres d'Angleterre, ou Irlande, cy ce n'est que ce fussent Navires, & biens des personnes, qui ont causé le dommage, & iceux Navires, biens, argent, & marchandises, ainsi conquis, & amenés, en quelque Havre de nos Royaumes ou Domaines, seront inventoriés par l'authorité de nôtre Cour de l'Admirauté & par le Juge ou Iuges de Nôtre dite Cour de l'Admirauté, qui alors seront representées & sententiées, suivant les témoignages, & demonstrations, qui luy, ou leurs seront faites, que lesdits Navires, biens, marchandises, ou argent, étoyent appartenants aux Etats Generaux, ou à quelqu'un de leur Sujets, comme dit est, & qu'iceux seront declarées pour bonne prise, & devolus aux susnommés Sr *Edmond Turnor* & *George Carew* leurs Executeurs, Administrateurs & Associés, comme cy-devant est dit, pour en disposer selon qu'ils jugeront expedient, soit en les vendant publiquement, ou en telle forme & maniere qu'ils adviseront être plus profitable, & âvantageuse, qu'il sera possible selon la forme de Represaille, le plus équitablement, que faire se pourra, & iceux tenir, & agréer pour bonne prise & comme leurs propres biens, tellement qu'il n'y aura Capitaines, Maîtres des Navires, n'y Matelos, en service pour l'execution de cette invention, qui fera difficulté ou scrupule de s'y employer fidellement en la forme & maniere susdite, sans crainte de transgresser nos Loix & Ordonnances.

Comme aussi pleine liberté & entier pouvoir à tous nos Sujets, & autres personnes d'acheter librement les Navires, & Marchandises qu'ils auront été ainsi pris, & acquis, & adjugés comme dit est, à être vendus, & par les offrans achetées, sans que l'acheteur ou quelqu'un d'iceux, ait à craindre qu'il luy soit fait aucun moleste dommage ou empechement: mais au contraire, de tenir, jouïr, & posseder lesdits Navires, Biens, & Marchandises,

en la même qualité, & nature comme achetées legitimement des Marchands, où de bonne Prise, fait en têms de Guerre, moyenant que tous les Navires, Biens, & Marchandises, pris & conquis selon le pouvoir & authorité de nos Commissions donnés, seront gardés, & ne seront en aucune maniere que ce soit diminués n'y endommagés, n'y charges rompues, tant que premierement iceux seront adjugés, comme dit est, d'être des Navires, Biens & Marchandises des Estats Generaux, ou de leurs Sujets, comme avons dit, & en cas qu'il arrivast sous pretexte de nos Commissions, que quelque Navire, Biens, ou Marchandises appartenans à quelque Prince ou Potentat de nos amis & alliées [hormis les Estats Generaux & leurs Sujets] fussent pris par nos biens aymés, Sujet ou Sujets, & que les Biens & Marchandises, qui seront en iceux chargés, vendus, diminués, ou charge rompuë, en quelque lieu que ce soit, avant qu'iceux auront étés adjugés appartenir aux Estats Generaux, ou à quelqu'uns de leurs Sujets, comme à été dit, qu'en tel cas ladite commission n'aura aucune vigueur, ny pouvoir de prendre, ny transporter lesdits Navires, Biens, & Marchandises, ny pouvoir de defendre, ny proteger ceux, qui les recevront, achepteront ou s'en mêleront, mais seront icelles prises, comme aussi les Navires de Guerre confisqués, & à nous adjugés, en outre declarons par ces presentes, que nous voulons & entendons, que cette Nostre Commission aura & demeurera en sa pleine Vertu, Force, & Vigueur, jusques à ce que lesdits *Sr. Edmond Turnor* & *George Carew*, leurs Executeurs, Administrateurs, & Associés ayent reçû, ou recouvert des Estats Generaux, ou de leurs Sujets la somme de cent cinquante un mille six cens & douzes livres, suivant la prisée, qui en sera faite par des personnes suffisamment authorisées, & absolument asermentées pour élire, & denommer les personnes, qui en feront la prisée avec pouvoir en Nôtre dite Cour de l'Admirauté, de tous tels Navires, Biens, & Marchandises, qui seront prises, & conquises des Estats Generaux, ou de quelqu'un de leurs Sujets, soûs l'authorité, & pouvoir de cette Nôtre Commission, ou qu'autrement satisfaction soit donné de ladite somme, soit par accord, entre ceux de ladite Compagnie des Indes, & les *Sr. Edmond Turnor* & *George Carew* leurs Executeurs, Administrateurs, & Associés, comme dit est, * *quoy que nonobstant les differents de diverses Represailles entre nous, & les Estats Generaux, viennent à être vnies & égalées, & qu'avec le temps se fit une paix & bonne Vnion, entre nous & lesdits Estat Generaux.* Ce neanmoins, voulons, entendons, qu'en tel cas, qu'en l'execution de cette nôtre Commission

nulle violence ne ſera faite, aux perſonnes des Sujets deſdits Eſtats Generaux, ſi ce n'eſt en cas de reſiſtance, & aprés de ſang froid ſi ſe trouvent quelqu'un des Sujets des ſuſdits Eſtats Generaux bleſſées, ſeront reçûs & traitez en toute douceur amitié & humanité. * En outre voulons & entendons qu'âvenant que toute hoſtilité, & troubles vinſent à ceſſer entre nous & les Eſtats Generaux, & noſdits ſujets, cette nôtre Commiſſion demeurera en ſa pleine vigeur & force, pour leſdits *Sr. Edmond Turnor* & *George Carew*, leurs Executeurs, Adminiſtrateurs, & Aſſociés comme deſſus, & en vertu d'icelle, attaquer & prendre par force d'armes autant plus de Navires & Biens deſdits Eſtats Generaux, & de leurs Sujets, que par deſſus la valeur de ladite ſomme pourra monter & ſatisfaire aux dépens & frais qu'auront été obligées de faire leſdits *Sr. Edmond Turnor* & *George Carew*, leurs Executeurs & Aſſociés de temps en temps comme dit eſt: & ſuivant le veritable conte qu'ils feront voir, avoir été obligé de faire & débourſer pour l'équipage; & envoy deſdits Navires ſelon l'authorité que leur avons donnée d'équiper comme cy-devant eſt dit, par nôtre Commiſſion tant d'hommes de payement fournis & avitaillés par les ſuſnommés *Sr. Edmond Turnor* & *George Carew*, leurs Executeurs, Adminiſtrateurs, & Aſſociés, comme dit eſt pour les fins que deſſus. VOULONS & entendons, comme nous ordonnons par ces preſentes à tous Juges de nôtre haute Cour de Iuſtice de l'Admirauté, & tous nos autres Iuges, Officiers Miniſtres, & à tous nos Sujets nuls exceptés d'aſſiſter en tous points leſdits *Sr. Edmond Turnor*, & *George Carew*, leurs Executeurs, Adminiſtrateurs, & Aſſociés, & leur preſter la main en l'Execution de nôtre Commiſſion Royale, & de proceder à l'adjudication de tous Navires, Biens, Marchandiſes, & Argent, en vertu de cette priſe & prouvée appartenir auſdits Eſtats Generaux, ou à aucun de leurs Sujets, d'être loyale priſe auſdits *Edmond Turnor*, & *George Carew* leurs Executeurs, Adminiſtrateurs Aſſignés comme dit eſt, juſques à avoir contentement & ſatisfaction ſelon Nôtre Royale intention, qui doit être interpretée favorablement en toutes ces parties, au profit & plus grand âvantage deſdits *Sr. Edmond Turnor* & *George Carew* leurs Executeurs, Adminiſtrateurs & Aſſociés, comme deſſus en foy de quoy avons ordonné, fait, & Octroyé, cette nôtre Patente, & Lettre d'Octroy. FAIT à Geſtmunſter le 19. May, en l'An 17. de nôtre Regne.

DE PAR LE ROY.

Hereafther follows the Letters Patents for Repriſalls translated into Dutch and contained in foure pages.

Copye van Octroy ende Brieven van Repreſalie door den Koning van Groot Brittannien verleent, onder 't Zegel van Engelandt, tegens de Staten Generael ende Onderdanen, voor 151612 Sterlings.

KAREL, *by der Gratie Godts Koning van Engelandt, Schotlandt, Vranckrijck ende Yrlandt, Beſchermer des Geloofs, &c.* Aen alle Chriſten Volckeren die deſen ſullen ſien, *Saluyt.* Alſoo onſen beminde Onderdaen *Willem Courten*, Schiltknaep, Overledene; ende ſijne mede Participanten in den Iare 1643. door hoſtiliteyt gepleeght door eenen *Geelandt*, commanderende over twee Schepen van Oorloge, d'Ooſt-Indiſche Compagnie van de Vereenighde Nederlanden toe-behorende, tuſſchen *Goa* ende *Maccao*, in de Straet van *Malacco* gedepriveert ende injurieuſelijck ontnomen is geweeſt ſeecker Schip, genaempt de *Bon Eſperanze*, met alle hare toebehooren ende ingeladen Goederen, varende op een ſeer voordeelige reyſe naer *China*, ende gevoert na *Batavia*, alwaer de ſelve *defacto* ſonder wettige proceduuren geconfiſqueert is geworden. Ende dat insgelijcks inden ſelve Iare noch een Schip met haer ladinge genaemt den *Henry Bonadventure*, aen onſe voorſz. Onderdanen toebehoorende, omtrent het Eylandt *Mauritius* vaſt geraeckt, alwaer 't ſelve Schip ende goederen door d'Officieren ende Miniſters in dienſt van de voorſz. Ooſt-Indiſche Compagnie geſaiſeert, ende d'oprechte Eygenaers, outhouden is geweeſt. Ende alſoo den voorſz. *Willem Courten*, ende ſijn gemachtighde geduurende ſijn leven, alle mogelijcke devoiren hebben gedaen omme de voorſz. Schepen te bekomen, om Iuſtitie op de quaetdoenders: Soo en hebben ſy echter geen reſtitutie noch ſatisfactie konnen bekomen, waer doer ſy ſeer geoppreſſeert ende getuineert in Goederen ende Ctedit: Ende dat daer op ende op der ootmoedige ſupplicatien van *François Grave van Schrewsbury*, ende *Willem Courten*, *Schiltknaep*, Soons Soon ende Erfgenaem van de voorſz. *Sir Willem Courten, overledene. Sir Iean Ayton*, ende *Sir Edmond Turnor Ridders*; *Georg. Carew* ende *Charles Whitaker Schiltknapen*, ſoo voor haer ſelven als verſcheyde andere geintereſſeerdens in de voorſz. twee Schepen *Bon Eſpeaanza*, ende *Henry Bonadventure*, als mede in de middelen van de vourſz. *Sir Willem Courten, Overledene*, *Sir Edward Littleton Baronet*, ende *Sir Paulus Pindar, Ridder*, dat wy ſouden gelieven deſe hare ſake in onſe Princelijcke conſideratien willen nemen, Wy uyt een oprecht gevoelen die wy als doen hadden ende noch hebben van haer onrechtmatigh lijden hebben door onſe Brieven aen de Staten Generael der vereenighde Nederlandtſche Provincien, als door *Sir George Downing, Ridder* ende *Baronet*, onſen Envoye Extraordinaire aen wien wy ſpeciale laſt en bevel gaven ſulcx te doen, geeyſcht hebben, dat ſatisfactie gedaen ſoude worden volgens den Regel van Iuſtitie, Vrientſchap, ende goede Correſpondentie die wy als doen begeerden vaſtelijck ende inviolabelijck te conſervereu. Ende alſoo na verſcheyde aenbiedingen, gedaen door onſen voorſz. envoie aan de voorſz. Staten Generael ſonder eenige effective Relief voor

onſe geſeyde Onderdanen voor wien wy ons bevinden, in Eere ende Iuſtitie, geconcerneert ſatisfactie te bekomrn, hebben wy onlãgs den voorſz. *Sir George Downing*, gelaſt aen de voorſz. Staten Generael bekent te maecken, dat wy hare finale antwoorde waren verwachtende, binnen geprefigeerde ende t'ſedert ge-elapſeerde tijdt, aengaende de te doene ſatisfactie voot de geſeyde Schepen ende goederen, op dat wy ons daer naer mochten reguleren, ende dat onſen voorſz. Onderdanen Relief mochten hebben, volgens Recht en Juſtitie, des nier jegenſtaende hebben wy als noch geen ſatisfactoire antwoorde bekomen, ſulck s die wy gevoeligh zijn, dat het niet alleen een vruchteloose arbeyt, maer een proſtitutie van onſe Eere en Digniteyt ſoude zyn naer ſoo vele weygeringen ende onwaerdigheden omme voordere applicatien te doen. Ende alſo *Ian Exton*, Doctor in de Rechten, ende Rechter van onſen Hove van Admiraliteyt van Engelandt, by ons bevolen is, om ons te certifieren de waerde van 't verlies ende ſchade, geleden door den voorſz. *Willem Courten* ende conſoorten, wiens Intereſt jegenwoordigh in onſen beminde Onderdanen *Sir Edmond Turnor*, *Ridder*, ende *George Carew*, *Schilthnaep*, ende conſoorten geinveſteert is, naer voorgaende examinatie van alle de ſtucken ende bewijſen door getuygen gedaen, ende genomen in onſen Hooge Hof van Admiraliteyt, geapporteert ende gecertificeert heeft, by geſchrifte onder ſyn handt, dat de ſelve komen, te bedraghen ter ſomme van hondert een en viiftigh duyſent ſes hondert ende twaelf ponden. *Kennelijck* ſy nu by deſen, dat omme reſtitututie aen haer te doen, voor hare Schepen, goederen ende Koopmanſchappen, waer van de voorſ;. *Willam Courten*, ende ſiins actie hebben wy met adviis van onſen geheymen Raedt goet gevonden, geliick wy mitsdeſen gunnen ende verleenen aenn onſen voorſ;. Onderdanen *Sir Edmond Turnor* ende *George Carew*, hare Executeurs, Adminiſtrateurs ende geaſſigneerdens, ſoo voor haer ſelve als andere geintereſſeerde Perſoonen als voorſ;. licentie ende authoriteyt onder onſen grooten Zegel van Engelandt, omme te Equiperen ende uyt te ruſten van tiidt tot tiidt alſulcke ende ſoo veel Schepen van Oorloge ende Pinaſſen, als ſy ſullen oordeelen noodigh te ziin, mits dat de ſelve altiidt ſullen werden aengegeven ende geregiſtreert in onſen Hove van Admiraliteyt, te weten, de namen van alſulche Scheepen, van wat laſt ende monture, ende voor hoe lang de ſelve gevictualieert ziin, als mede de namen van die geene die daer op ſullen commanderen, aleer ſy in Zee ſullen gaen, ende met de geſeyde Schepen met kracht van Wapenen aen te taſten, veroveren end op te brengen eenige Schepen, Goederen, Gelden ende koopmanſchappen, toebehoorende aen de Staten Generael, ofte eenige van haer Onderdanen, woonende in eenige van hare Dominien, ofte eenige patticuliere Staet binnin de ſelve Provincien, mitsgaders d'Inwoonderen van dien, alwaer de ſelve ſullen konnen werden gevonden, ende niet in eenige Havenen van *Engelandt* ofte *Yrlandt*, ten ware Schepen ende Goederen van de Perſoonen die ſchade gedaen hebben. Ende de ſelve Schepen, Goederen, Gelden ende koopmanſchappen, alſoo vervovert ende opgebracht in eenige Hauens van onſe Riicken ofte Dominien, ſullen werden geinventariſeert, met Authoriteyt van onſen Hove van Admiraliteyt, ende door den Rechter ofte Rechteren vrn onſen Hove van admiraliteyt, die als dan weſen ſal geſententiert, volgens de bewiiſen die voor hem ofte hun ſal werden gedaen, dat de geſeyde Schepen, Goederen, Koopmanſchappen ofte Gelden, toebehoorden aen de Staten Ge-

nerael ofte eenige van hare Onderdanen als voorſz. Ende dat de ſelven ſullen werden goede Prince aen de voorſz. *Sir Edmond Turnor* ende *George Carew*, hare Executeurs, Adminiſtrateurs ende Geaſſigneerdens als voorſz. te houden ende te bliiven in hare ofte hun poſſeſſie, ende de ſelve opentliick te verkoopen ofte diſponeren, tot haer beſte voordeel, in alſulcke ampel maniere, als oyt voor deſen by forme van Repreſalie gebruyckeliick is geweeſt, ende de ſelve te behouden als goeden Priiſe, ende als haer eygen Goederen, ſulcks dat noch Capiteyn, Schypper, noch eenich Matroos, in dienſt omme de ſelve voornemen te bevorderen ofte helpen uytwercken, in maniere als voorſz. in geender wiiſe gecallangeert ſal werden, als een overtreder van eenige van onſe Wetten, ende dat het oock alle onſe Onderdanen ofte Perſoonen vry ſal ſtaen de ſelve Schepen, Goederen ende Koopmanſchappen, door de Capiteynen, Schippers, ende andere alſoo verovert, opgebracht ende geadjudiceert als voorſz. te mogen koopen, ſonder dat de ſelve koopers, ofte eenige van dien eenige ſchade belet ofte moleſtatie ſal werden aengedaen, maer de ſelve Schepen, Goederen ende Koopmanſchappen beſitten in ampel maniere, geliick oft de ſelve door wattige traffiick van Koopluydeu ofte van goeden Prinſe in tiiden van Oorloge bekomen ware, mits dat alle de Schepen Goederen ende Koopmanſchappen verovert uyt krachte van deſe onſe Commiſſie ſullen werden bewaert, ende in geenen deele vermindert noch beſchadigh, noch laſt gebroocken voor en aleer adjudicatie gepaſſeert is als voorſz. dat ſy ſiin de Schepen ende Koopmanſchappen van de Staten Generaal ofte hare Onderdanen als voorſz. ende Indien onder pretext van deſe onſe Commiſſie eenige Schepen ofte Goederen worden verovert van onſe beminde Onderdaen ofte Onderdanen van eenigh Prins ofte Staet in goede alliantie ofte Vrienſchap met ons (vytgeſonder de Staten Generael ofte hare Onderdanen als voorſz.) ende de Goederen daerinne geladen, verkocht, vermindert ofte laſt gebroocken ter eeniger plaetſe voor en aleer de ſelve geadjudicerert ziin te behooren, aen de Staten Generael ofte eenighe van haer Onderdanen als voorſz. dat alsdan deſe Commiſſie niet en ſal ziin van ſuffiſante Authoriteyt, omme de voorſz. Schepen, Goederen ende koopmanſchappen te veroveren, noch oock beſchermen die gene die de ſelve ſullen ontfangen, koopen, ofte daer mede bemoeyen, maer ſullen beyde de Priiſen alſo verovert, mits gaders het Schip van Oorloge aen ons verbeurt worden. Ende voorts verklaren wy mits deſen dat het onſen wille is dat deſe onſe Commiſſie bliiven ſal in ſiin volle kracht ende vigeur, tot dat de voorſz. *Sir Edmond Turnor* ende *George Carew* hare Executeurs, Adminiſtrateurs ende Geaſſigneerdens als voorſz. uyt krachte van deſen, met macht van Wapenen ſullen hebben verovert ende ontfangen van de Staten Generael ofte hare Onderdanen hondert een en viiftigh duyſent ſes hondert ende twaelf ponden, achtervolgende de priſatie daer van te doen, door ſuffiſante beedighde Priſeerders te nomineeren ende authoriſeeren, in onſen voorſz. Hove van Admiraliteyt, van alſulche Schepen, Goederen ende Koopmanſchappen, die verovert ſullen worden van de Staten General ofte eenigh van haer Onderdanen uyt krachte van deſe Commiſſie, ofte auderſints ſatisfactie bekomen van de voorſz. ſchuldt door Accort, tuſſchen die van de Ooſt Indiſche Compagnie der Nederlanden, ende de voorſz. *Sir Edmond Turnor* ende *George Carew* haer Executeuren,

Adminiſtrateuren ende Geaſſignerdens als voorſz. Niet tegenſtaende het gebeuren mocht dat de tegenwoordige differenten tuſſchen ons ende de Staten Generael, hangende op verſcheyde Repreſalien, moge worden geaccordeert ende gecompoſeert, ende dat midler-tiidt een Vrede ende goede correſpondentie wierde vernieuwt tuſſchen ons ende de voorſz. Staten General, Niet te min in ſulcken gevalle is het onſen wille ende believen dat in het Executeren van deſe onſe Commiſſie, geen violentie geſchieden ſal, op de Perſoonen van de voorſz. Staten Generael, dan alleen in cas van reſiſtentie, ende dat naderhandt in koelen bloede d'Onderdanen van de voornoemde Staten Generael, Indien gequetſt ſullen werden, ont fangen ende getracteert met alle convenable vriendtſchap ende humaniteyt. * Ende voorts is het onſen wille ende believen, dat by aldien het gebeuren mocht dat alle hoſtiliteyt tuſſchen ons ende de Staten Generael ende onſe reſpective Onderdanen mochte komen te ceſſeren, niet te min ſal deſe onſe Commiſſie bliiven in ſiin volle kracht ende vigeur aen de voorſz. *Sir Edmond Turnor* ende *George Carew* hare Executeuren, Adminiſtrateuren ende Geaſſigneerdens als voorſz. end uyt krachte van dien, aen te taſten ende veroveren, met kracht van wapenen ſoo veel meer Schepen ende Goederen van de voorſs. Staten Generael oft hare Onderdanen, boven de voorſs. Gementioneerde ſomme als ſal komen te bedragen, ende te voldoen alle de onkoſten die den voorſz. *Sir Edmond Turnor* ende *George Carew* hare Executeurs, Adminiſtrateurs ende geaſſigneerdens als voorſz. Van tiidt tot tiidt op waerachtigh bewiis daer van ſullen hebben betaelt ofte verſchooten, in het Equiperen ende uytruſten van de voorſz. Schepen, alſoo geauthoriſeert als voorſz. Door deſe onſe Commiſſie te worden ge-equipeert, gemant, betaelt, gefurneert ende gevictualueert door de voorſz. *Sir Eſmond Turnor* ende *George Carew* hare Executeurs, Adminiſtrateurs ende geaſſigneerdens als voorſz. ten eynde als voorſz. Ende onſen wille ende believen is, geliich wy belaſten mits deſen onſen Rechter ofte Rechteren van onſen hoogen hof van Admiraliteyt, ende alle andere onſe Rechteren, Officieren, Miniſters ende Onderdanen, geen uytgeſondert omme de voorſz. *Sir Edmond Turnor* ende *George Carew* hare Executeurs, Adminiſtrateurs ende geaſſigneerdens als voorſz. te aſſiſteeren, in allen deele in het Executeeren van deſe onſe Koningliiche Commiſſie, ende te procedeeren tot adjudicatie van alle Schepen, Koopmanſchappen, gelden ende goederen, uyt krachte van deſen verovert. Ende geprouveert toe te behooren aende ſelve ſtaten Generalle ofte aen eenighe van hun onderſaetten de ſelve te weſen wettelycke pris Aendenſelven *Sr. Edmond Turnor* ende *George Carew* haere Executeurs, Adminiſtrateurs ende Geaſſigneerdens als voorſz. in gevolge van onſe Princeliicke meyninge, mitsdeſen ge-expreſſeert, ende ſorge te dragen, dat deſe onſe Koningliicke Commiſſie ter executie geſtelt ende favorabeliick geinterpreteerr in allen deele tot profiit ende meeſte voordeel van de voorſz. *Sir Edmond Turnor* ende *George Carew* haer Executeurs, Adminiſtrateurs ende Geaſſigneerdens als vooſz. In getuygeniſſe waer van hebben wy geordonneert deſe onſen Brief van Octroy ofte Patent gemaeckt te worden. Gedaen door ons tot Weſtmunſter, op den 19. May, in het ſeventiende Iaer van onſe Regeringe.

By den KONING,

Hereafter ſallows the two laſt parragraphs of the fifty ſix mencioned in the title page.

(55.) Mr. *Carew* being adviſed, by his Councell that he could not) for diverſe reaſons) ſigne & ſeal the ſaid Inſtrument of reſignation of the ſaid Letters Patents without great prejudice to himſelf and others, clayming under his Adminiſtration, as alſo under ſeverall deeds Articles and covenants with him. He then abſented himſelfs from his Lodgings to provide for the ſecurity of his perſon in remote parts beyond the ſeas againſt violence and opreſſion, M. *Philip Burton*, & Mr. *Aaron Pengry*, having reported, that they would have him dead or alive. The firſt order being made abſolute by the Lord Keeper, on the 27. th. of February 1682. vpon the motion of Mr. *Attorney General* Mr. *Solliciter General* and Mr. *North*, Leaving the conſequences thereof to all Events.

(56.) Then Tipſtaves Meſſengers & other officers were ſent from day to day to apprehend the ſaid *Carew* accordingly, and ſeveral of them entred his Lodgings in London, affrighting all People of the houſe ſearching ever, Roomy & Corner, as if it had been for Felony or Treaſon, And all without any Legall Authority or Judiciall proceſſ for doing the ſame. *I.* Think it convenient therefore to inſert the Copy of this following Letter from the Original in French ſent to Mr. *Carew* in the moneth of December laſt to his houſe in Richmond from *Paris*, where he now reſides, and reſolves to Eat his bread there, until the People of *England* are come to their right witts and Sences again.

A Paris ce 16. Decembre 1682.

MONSIEUR,

I'ay receu la vôtre avec copie du Procez de Scire Facias, au nom du Roy, & la reponſe à icelle tous deux en Latin, & l'ordre de la Chancelerie enſuivie dattée le 26. de May 1682. & aye auprés de moy la copie des Lettres Patentes pour repreſailles, contre les Hollandois, pour 151612. livres Sterlins, tranſlaté en François. J'ay conſulté cette affaire avec les premieres Conſeillers du Parlement de Paris, leſquels ſont d'avis qu'il eſt contre la Iuſtice naturelle & la conſtitution du Gouvernement d'Angleterre, que la méme Cour de Iudicature d'où les Lettres Patentes ſont iſſuës, les pourroit abroger & annuller, ſans premierement faire ſatisfaction aux perſonnes injuriées ou endomagées, & ils tiennent pour fort deshonorable à aucun Prince ou ſujets de chercher relief contre leurs propres actes, leſquels ſont en leur propre pouvoir d'accomplir; le Roy de France vendroit ſon lit de deſſous ſoy, plûtôt

que de courir le deshonneur & reproche d'une telle action, ſi reflectante contre tous Princes Souverains. Mon couſin Iean Caſteele paya contribution aux Commiſſaires Angl is ſur les Statuts, touchant Bancrouts ſur compte de la delte de 6000. livres Sterlins à luy deús par Guillaume Courten, Eſcuyer, lequel contracta la plûpart de cette par Lettres de change acceptées par David Goubard, ſon Caſſier, de laquelle il reſte à payer 5:46. livres il ſe promettoit ſatisfaction hors des grands biens & terres, dont Mr. Courten étoit en poſſeſſion, & qui furent aſſignées par leſdits Commiſſaires au Chevalier Thomas Abdy, Iacques Cambell, & vous. Mr. Caſteel étant interreſſé pour la premiere proportion; c'eſt pourquoy vous obligeaſtes vous méme de Satisfaire l'argent principal des effets de Mr. Courten en Barbados, & en les mains de la Compagnie des Indes Orientales du Païs-Bas. Mon couſin Pierre de la Fontaine, & autres Crediteurs en France, des Chevaliers Guillaume Courten, & Pierre Courten, & Mr. Iean de Moncy ne ſont point fort ſatisfaits de ces procedures, & plus par ce que les effets du Chevalier Courten, & ſon fils qui reſtent entre les mains des Heritiers de Mr. Iacob Pergens & Pierre Boudaen, ſujets des Etats d'Hollande, ne ſont point reſtituées ſur l'Ordre du Roy, la balance deſdits contes particuliers en commerce, étant ſi clair à un chacun: Mr. Thomas Houtman preſſe fort que nous aurions à nous adreſſer à nôtre Roy icy ſur cette matiere, que Sa Majeſté auroit la bonté de faire ſignifier ſon plaiſir au Roy d'Angleterre, que nous puiſſions avoir droit fait conforme aux Loix des Nations. Ma debte eſt de 3500. écus, fourny auſſi par change, pour laquelle aprés j'ay prie l'obligation de Mr. Courten. Ie vous prie par la premiere poſte de nous aviſer quel meſures nous devons encore prendre, & en toute choſe je ſeray preſt de ſignifier que je ſuis

MONSIEVR

Vôtre tres-humble Serviteur
FRANÇOIS PERENOTT.

CONcerning the contents of this French Letter; J can be compurgator for Mr. *Carew*, having drawne ſeverall Anſwers for him in Chancery, relating to this affair; Its true he was one of the aſſignées of M.r *Courtens* Lordships and lands in *Worceſter* ſhire and *Glouceſter* shire (viz) *Pyrton*, *Annton*, *Evesham Severn ſtoake vpperſwell* and *Lower jwille* and all other his lands within the ſayd Counties of *Worceſter* and *Glouceſter*, that were formely granted to Sr. *Edw: Littleton*, by Mr. *Courten* for Counterſecurity againſt the debts wherein Sr. *Edw: Littleton Stood* obliged, and that were preingaged for divers great ſummes of money alſo to *Gyles Carter* Eſq., Mr. *Daniell Harvey*, Mr. *Iohn Rushout* Marchants and others. The reverſions and Equities of redemption whereof, Mr. *Carew* ſold (viz) *Pyrton* & *Severn ſtoak* with other lands adjacent, to *Thomas Lord Coventry* for 8700. l. *Evesham* to Mr. *William Rudge* Marchant for 7500. *Annton* the whole Eſtate in Feesin his owne right to *Thomas Foley* Eſq. for 3800. l. *Vpper ſwell* & other lands in that Mortgage, to Sr. *Iames Rushout* for 300. l. *Lower ſwell*, to Sr. *Robert Atkyns* for 1600. All which monies were diſpoſed according to ſeverall deeds of truſt; *William Courten*, the grand child and Heire having joyned in the fines and other conveyances thereof to the *Lord Coventry* Mr. *Rudge* and Mr. *Foley*, but Sr. *Robert Atkyns* and Sr. *Iames Rushout* refuſing to Comply with the ſayd Heire, hold their Eſtates vnder the firſt aſſignees. The great bulke of Sr. *William Courtens*, lands in other Counties, were ſold by *William Courten*, his ſonn and Heire, to *William Purpoint* Eſq. the ſayd *Daniell Harvey*, the *Earle of Kent* & others. * All Mr. *Carews* Adverſaries and Enemies, are miſtaken in their man, to my knowledg he hath Expended and disburſed tenn thouſand pounds & vpwards of his owne proper Eſtate, in this cauſe, and further ingaged himſelfe for other great ſumms of money vpon the credit & reputation of the Letters Patents aforeſaid. Hee is a perſon that Ever had a ſacred Eſtem for his Majeſties Perſon and Goverment, both in Church and State; was allways true to his Freind, hating to betray a truſt, a lover of his Country patient vnder oppreſſions, yet knows how to reſent an injury, and would rather Sacrifize his life and fortune, then ſuffer his liberty & property to be invaded.

After the mariage to his ſecond wife, a kinſwoman of Mr. *Henery Scobells*, Clerk of the long Parliament, Mr. *Carew* might have had any preferment, which he refuſed in all revolutions of Goverment. But improved his intereſt in Serving the kings Freinds in their ſequeſtrations and Compoſitions. In his Juvinall years he was bredd ſome time in the Cittie of *London*. In the year 1652. he was admitted of *Grayes Inne*, *where* to my knowledg he was a great ſtudient in the common Law of *England* for ſeven years together after his admittance. He had many oppertunities of getting money but hated Covetuouſnes, being of a Generous mind and good Extraction.

Upon the kings reſtoration, he Eſpouſed this cauſe againſt the Hollanders & Zelanders at the importunity of ſeverall Freinds, which drew him much into thoſe provinces where he reſided many years together leaving all other imployments. And now reſolves to ſpend the reſt of his days in *France*. Yett not without hopes of reaping the fruites of all his labours and travells, ſatisfaction, and reparation, both for himſelfe and many Orphants and Widdows clayming under his Adminiſtration.

Severall Arguments and obſervations, Annimadverſſons and Reflections vpon the Cheifeſt poynts in the Premiſes.

KInd Reader, when you have breifly peruſed this caſe, pleaſe ſo make a retroſpect into the 49. th and 54.th paragraphs. The friſt containing Mr. *Carews Affidauit*, and the other Sr. *Robert Sawyers inſtrument of reſignation*, and then behold with patience and conſideration (*tui bonum*) the ſurrender of the Letters Patents into the Kings hands; is to be made, without any ſatisfaction as the inſtrument, ſounds it, *For excluding and debarring the the grantes and Esther of them from any benefitt advantage or pretence whatſoever offor or touching the premiſes* Sr. *Robert Sawyer* would not onely ſubvert the Courſe of the old law, but take the boldnes of making a new one, to ſupply his owne defects; by the ſame rule no man can be ſafe, that holds any thing of Honours, or Eſtate by Patent from the crowne. Reaſon of ſtate by this inſtrument hath not left the leaſt Room or Corner for the Patentees, or creditors, to Expect or hope for any thing, even towards the vaſt Charge and Expences in proſecuting ſuch a cauſe of ſpoyles & depredations, laying aſſyde the original loſs and Damages. Surely this inſtrument was never ſounded at the Councell table; Thoſe perſons of Honour and juſtice have more Charity and goodnes, then Atturneys and Solicitors, that in ſtead of bread would give us a ſtone, and in ſtead of a fish give us a ſerpent, never conſidering that the Hollanders are bound by the grant, whoſe cryme cannot be expiated without reſtitution and ſatisfaction to the perſons intereſſed and injured. But they and their confederates have not timed their buſines wel, they muſt know, that what is done *per dures* in this caſe, is of noe more force then the treaty at *Breda* Neither will this following note Charme them with that inſtrument (Viz) *That according to our duty wee doe moſt humbly and willingly ſurrender the ſaid Letters Patents, and beſeech his Majeſty to accept of the reſignation and be geaciously pleaſed to ſignifie his pleaſure that it may be recorded and inrolled according to Law.* Thoſe mortalls that framed this inſtrument are compoſed of ſtrange principalls, who think they doe the King great ſervice, by Expoſing his jnſtice and Honour, in proſecuting the perſons, that would with all tendernes preſerve them both ſacred and intire, as a warning peice to all people and nations of the earth, that ſhould dare hereafter to make the leaſt atrempt of ſpoyling the Subjects of ſoe great and ſoe generous a Prince as *Charles* the Second King of *England Scotland Frante* and *Ireland* &c.

Queen *Elizabeth* gave it in Charge to all her Privy Councellors Iudges and other Miniſters and Officers of State and juſtice, that they ſhould have a care of her Honour & Reputation both at home and abroad, holding it for a great Maxime of State, that to preſerve the peace of a nation, was to preſerve the Honour, the Iuſtice, and the Equity of a nation. King *Henery* the 4. th of *Frante* that moſt vailliant and renowned Prince had this *Motto* ingraven in ſtone over his *Effigi* upon ſeverall of the ſtate houſes in the great Citties of *Frante*.

Iuſtitia & Pax Oſculatæ ſunt.

The

The *Egiptians* reprehended and punished the Miniſters and officers for all things that the King did amiſs, and contraryto law. Princes acting by thoſe men that are reſponſable to the law. Soveraignes being only under the directive and not the coercive power thereof. The learned *Forteſcue* and *Bracton* both agree in the ſame opinion, *quod Rex in regno ſuo, alios ſuperiores habet Deum & legem.*

There areſome pretenders to the Law, that would have the ſaid Letters Patents and grant for the recovery of 151612. l. Sterling by way of Repriſalls, to goe under the notion of a bare commiſſion at pleaſure, and not a grant and intereſt in law, ſince the ſayd Patent paſſed in time of warr. Any man that hath a right unto another mans goods for debts contracted, or treſpaſſes & injuries comitted, hath not an intereſt to take or ſeize a pennyworth of his goods towards ſatisfaction. But the damages being once aſſertained by proceſs & Judgement of law an intereſt is thereby created, and cowpled with an Authority to levy the ſayd debt and damages, as in this caſe of Repriſalls, the moſt ancient proceſs of the world, agreeable to naturall juſtice, and warranted by the laws of God & nations, and Even practicable in many Counties of *England* to this day.

Warr, or noe warr, is not the point, this proceſs had been depending one and twenty years, ever ſince the ſpoyles & depredations were committed, and proſecuted *de die in diem* at vaſt Expences foure years together before the grant paſſed, which made it a particular right unavoydable: Bare Comiſſions are obtained without any of thoſe circumſtances a foreſaid, and ſuch grants acquired upon thoſe conſiderations for Repriſalls, are transferrable as other goods, Judgments, or ſtatutes. And the reaſons thereof are obvious, for that many times the Coſts & charges (by meeting with perverſe and obſtinate parties) Exceed the principall demands, which conſtraines the perſons impoverished to aſſigne their intereſt to others that are able to right them ſelves by the force of the grant It. is declared and directed by ſeverall Acts of Parliament (in full force,) that English men ſpoyled or damnified at ſea, by the ſubjects of other Princes or States, ſhall have the law of marque or Repriſalls without fraud: or delay, now when the perſons greived have made their complaints, and proſecuted the ſame *gradatim* in aſſertaning their loſſ and dammages, by due meaſures, and conſequently obtained a legall grant fot ſatisfaction as in this caſe of *Carew* & the *Eaſt India* Companye. It is out of the Kings power, and become a perſonall right and intereſt indeſpenſable. The King hath noe more to doe or ſay in the caſe, but to ſee ſatisfaction and reparation made accordingly *proconſequentia.* Otherwiſe I ſay againe, noe man can be ſafe in his Eſtate or property. Although the Civillians pretend, that the kings pleaſure, hath the force of a lawe, which is contrary to the originall conſtitution of the English Government, And ſeverall of thoſe Civell lawyers concerned in the tryall of the 15. perſons hereafter named, for Pyracy & felony, have made them ſelves obnoxious to the Cenſure of a Parliament for bringing the lives, libertys and Eſtates, of thoſe men into queſtion againſt the very letter of the law and the Kings grant. In Arraigning of Capt *Compton Gwyther*, Capt *William Hawley*, *William Coats*, *Ioſeph Ballivant*, *John Baxſter*, *Francis VVanſell*, *Francis Martin*,

Iohn Gibſon, *VVilliam Iones*, *Richard VVashingtcn*, *Richard Tyrrett*, *Ierom Hawley*, *Thomas Tomkins*, *John Taylor*, *and Glavill Lamboy*, as Pyrates and felons, and for bynding over *Mr. Carew*, in open Court to anſwere the ſame, at the kings bench barr, yett refuſed to proſecute him; And alſo for arreſting him and the ſeamen malitiouſly afterwards when they were acquitted, and for takiug away the two ſeverall ſhips ;and their lading by Arbitrary Warrant and orders, out of the legall poſſeſſion of the ſayd *Carew* and his ſevants.

The king had obliged himſelf, by his grant purſuant to the law, that there ſhould be ſatisfaction and Reparation in this caſe againſt the *Eaſt India* company of the *Netherlands*. Yet Sr. *Robert Sawyer* the Attorney Generall would ground *a ſcire facias* upon a Sandy foundation to repeale the ſayd Letters Patents without any reſtitution. Wherein he recites the spoyles and depredations, and the grant *quouſque ad ſatisfaciendum*, then makes a noyſe of treaties of ſtate, *proclamations* and *ſuperſedeas*, but not a word of ſatisfaction, and concludes that the Letters Patents are null and voyd, by force of the treaty at *Breda* and ought to be brought into Court to be cancelled, commanding the sherife of *Midleſex* to ſummon *Turnor* and *Carew*, to appear in Eaſter terme 1681. to shew cauſe to the contrary if they could, why they should not be brought into Court and vacated accordingly.

Wereupon *Turnor* and *Carew*, appeared and pleaded that they had not recovered nor received any ſatisfaction or reparation, either by the warr, or by the 800000. Pattacones or by any other ways or means whatſoever. That the king was neither ſurpriſed or deceived in the ſayd grant. Therefore by the laws of England, the Letters Patents ought not to be repealed or revoked; Wherevnto the Attorney generall demurred generally, an iſſue being joyned the 26. th of May 1682. as aforeſayd, The Lord Chancelour *Finch* ſtood vp (who would be both judge and party) in giving Judgment for the king, without hearing any councell of the Other ſyde; The Attorney Generall and the ſolicitor Generall, having moved for Judgment without any other Arguments for it, but that it concerned the publicet.

Neverthelesſ the Lord Chancelor, informed the court, that he had peruſed the record, and ſtudied the caſe, (wherein he might have ſeen a groſs and fatall error in the ſecond lyne of the *ſcirè facias*) which cheifly depended vpon the laws of Nations, and cited ſome preſidents out of the Parliaments of *Paris*, and *Montpilier*, concerning the force of Letters of ſafe conduct againſt Letters of Repriſalls, and after many impertinences different from the caſe, declared his opinion that the ſayd Letters Patents should be brought into Court

to be cancelled, and ordered on the English syde that the defendents *Turnor* and *Carew* (who had pleaded onely on the lattine sydes) should bring in all duplicates and Exemplifications in the hands of other men, under seal to be cancelled allthough impossible for them to doe, and the next day after, his Lordshipp of his owne accord, ordered Mr. *Attorney Generall* to have a care of drawing vp the sayd judgment according to law, and directed Mr. *Aaron Pengry*, the clerk of the Pettibagg to Exemplifie the whole record, and transmitt it as a speciall memoriall and president, to the *Mercinaries* at the Admiralty court, who takes it altogether for Law, that the King may doe his pleasure with his owne grants.

If I be not Mistaken the Lord Keeper *Finch*, Lately created *Earle* of *Nottingham* was Ever accounted a better *Orator* then a Lawyer.

The Lord Cooke *in his institutes, concerning the jurisdiction of Courts observes that a* Scire Facias *out of the high Court of Chancery lyes properly in three cases, to repeale or make voyde Letters Patents vnder the great seale of* England (*whereof* Carews *case is none*) *The first is when two patents are passed vnto two severall persons for one and the same thing, in that case the first Patentee shall have a* Scire Facias *to repeale or make voyd the latter; The second is when the king vpon false suggestions is surprised or deceived in his grant; 3. ly when the king hath passed that by* Patent, *which by law he cannot grant. In those two last cases, the Attorney* Generall *may bring a* Scire Facias *to repeale the sayd Letters Patents, and the reasons are also very obvious unto all man kind, because Nothing legally passed by those grants.*

If the Patentees in this case had Either recovered, or received satisfaction by composition, for the sayd debt and dammage (which is matter of fact tryable by a Iury) Sr. Robert Sawyer *might have brought his busines into a narrower compass, or if he had any mind to preserve the kings honour and the justice of his* Courts *of Record, he might have made kind overturres to the parties greived, who would have been more flexible, (for his Majesties service) then he is just, Either to his King, or* Country.

And if the Lord Chancelor, had been well acquainted with the History or laws of France, *his Lord shipp might have informed the Court of two or three Presidents, nearer hand then* Montpilier *for a confirmation, that Soveraign Princes are obliged to observe and keep sacred the laws of their Crowne.*

In the Cittie of *Boulogn*, and County of *Boullognois*, with the dependencies all the inhabitans there clayming certain Priviledges, Freedomes and Exemptions peculiar to themselves in regard of their ancient tenures by doeing suite and service to their lords, which were injoyed many hundred years together, before that *Viscounty* was annexed to the Crowne of *France*. A Controversie arose in the year 1680. between the Cittizens of *Boulogn* and *Matthew Gourtiade*, and the rest of the Farmers of salt and other Gabells of *Picardie*, pursuant to an ordinance and grant to the Farmers from the French King and his Councell.

Yett the Cittizens and people of *Boullognois* refused to pay the same. Then severall quarterly payments being past, the sayd Farmers came with Soldgiers by way of repriſalls, taking their plate and goods to the value of their demands, according to the kings ordinance, Whereupon the Mayor, Shreifs, and Citizcens of *Boullogn*, Complayned to the Parliament of *Paris* for releise against the sayd farmors, where Judgment was given against this present knig and his farmors, in favor of the said Cittizens, parsuant to former Letters Patents, vpon the reasons following which I have here incerted in french from the originall record.

La preuve resulte de l'échange du Comté de Boullenois en l'an 1477. auquel temps il appartenoit à Bertrand de la Tour Conte d'Auvergne, & par l'enqueste qui fut faite dudit Couté par Maître Pierre Jouvelin Correcteur de la Chambre des Comptes,

Comptes, deputé à ce ſujet avant l'échange, pour reconnoître la valeur dudit pays, & en quoy il conſiſtoit.

Il eſt dit que les habitans & pays de Boullenois étoient exempts de toutes Tailles, Aydes, Gabelles, Subſides & autres charges; juſtifié par ladite enqueſte

Des demandes dudit ſieur Iouvelin,

Par la Coûtume Generale du Boullenois,

Les Roys ſucceſſivement depuis l'an 1483. juſques à preſent ont reconnu cette verité par leurs Lettres Patentes accordées auſdits habitans; & par icelles les ont declaré *nobles ſujets* en conſideration de leur fidelité, & leur ont accordé pluſieurs Privileges, franchiſes, immunitez & exemptions, mêmes de toutes Tailles, Taillons, Aydes, Gabelles, Subſides, Impoſitions miſes ou à mettre; leſdites Lettres Enregiſtrées à la Cour.

Here follows another Preſident. *Maude* Dutchieſs of *Brabant* and Counteſs of *Boulloignois* died without Iſſue, and left the ſaid County, to *Robert Comte de Auvergne* as Heyre at law to his Aunt, who treated the people both of the Cittie and County with great kindnes, and reſpect mayntaning their old Cuſtomes and Privileges. The Govenment whereof having continnued in the ſayd family vntill the year 1478. that *Bertrand de la Tour* Counte de *Avergene* and *Boulloign* Exchanged the ſame with *Louis* the 11. *King of France*, for the Seigneurie of *Lauragais*. Promiſing that noe other taxes Aydes nor gabells ſhould be layd vpon the Cittie and County of *Boulloignois* then what was vſually payd by the people to their Ancient Lords before the Country was annexed to the Crowne of *France* which *Louis* the 11. confirmed by his Letters Patents vnder the great ſeale of France accordingly, and that Every King of *France* ſucceſſively ſhould give a Golden heart to the value of 6000. livers when he comes to the Crown as a Fee or Hommage (to the Cathedrall Church in *Boulloign*) dedicated to the virgin *Mary* towards the ornament or repayer of that Church for the great Miracles done by her interceſſion.

But this preſent King, and *Louis* the 13. his father, having forgotten to give the ſayd Golden hearts or value thereof according to the Letters Pattents of *Louis* the 11. inrolled vpon record. The Dean and prebends of *Boulloign* and the inhabitants of the Citty made an arreſt by formall proceſs at Law, vpon the Kings Treaſury and obtained ſentence alſo in the Parliament at *Paris* againſt this preſent King for 12000. livres. Which ſayd ſentence was performed and ingraven in marble vpon

the back ſyde of the High Alter in the Kathedrall Church in *Boullogn* as a memoriall to ſignifie that Princes are to keep ſacred and inviolable their grants by Letters Patents paſſed vnder their great ſeales.

The Copie of the ſentente executed, laken from the originall in French is as follows.

Cét Autel & ſa clôture furent commencez l'an 1653. & achevez l'an 1656. de la ſomme de douze mille livres, ajugée par nôtre Roy Louys XIV. appreſent regnant, aux Doyen, Chanoines & Chapître de cette Egliſe, à l'inſtance de Monſeigneur le Maréchal d'Aumont Gouverneur de Boulogne & du païs de Boulenois, par Arreſt du Conſeil des 9. Mars 1644. & 12. Iullet 1645. verifiée & enregiſtrée en Parlement le 3. & en la Chambre des Comptes le 15 Iuillet 1647. pour leſtimation des deux hommages d'vn cœur d'or chacun deûs à ladite Egliſe à cauſe du Comté de Boulogne, l'un par le feu Roy de glorieuſe memoire Louis XIII. & l'autre par Sa Majeſté; enſuite de l'infeudation que Louis XI. fit de ce Comté à N. D. de Boulogne, par ſes Lettres Patentes du mois d'Avril 1478. enregiſtrée au parlement 18. d'Aouſt de la même année.

There was lately a Reprize out of *Boullogn* vpon a Smaller circumſtance. The Treaſurer to the Queen of *France* finding that the Cittie of *Boullogn* was in arrear two hundred Luadores which is 150. l. ſterling or there abouts due to the Queen for Pins. There being a law in *France* that every Cittie according to the grandure thereof, pays proportionably a certaine ſumm of money aſſeſſed to the Queen for Pins, which becomes due to her vpon the Mariage with the French knig. But the Citizens, of *Boullogn* thinking them ſelves Exempt from payment thereof refuſed to ſatiſfie the ſame, notwithſtanding it had been often demanded by the Queens receivours.

One. *Iohn Nowell* a Cittizens ſonn of *Boullogn* being come into *Paris* vpon his fathers occaſion, was arreſted there for the money due to the Queen for Pins, and dyed in priſon by way of repriſall for non payment thereof. within few years after one *Monſieur Courtre* a lodger in *Boullogne* having a proceſs vpon an

Appeale to the Parliament of *Paris*, was arreſted there for the Queens Pin Money, and after he had layne ſome moneths in priſon, being adviſed by his Councell to pay the money, with neceſſary charges, he did it accordingly. Whereupon the Queens Councell promiſed to aſſiſt him in the recovery thereof from the Cittie of *Boullogn*, for that they had formerly in ſtead of Pins, payd aydès to their Lords for their Daughters Mariage portions. Then *Courtre* brought his action againſt the Cittizens, and recovered his principall intereſt and charges by a ſentence at law, which coſt the Cittizens of *Boullogn* aboue 500. l. Sterling, that they were forced to pay vpon an aſſeſment amongſt themſelves, otherwiſe their horſes and Cowes had been driven away, or their houſes filled with ſoldgiers for the performance thereof. All which money was levyed and payd within theſe two years laſt paſt. Any man for his further ſatisfaction in theſe particulars may have a certificate at the Charge of a poſt letter to any Advocate or Marchant in *Paris* or *Boullogn*.

But its objected concerning *Carews* caſe, that it is matter of ſtate, and therefore better for a few perſons to ſuffer then a whole Country.

The laws of God *gives noe ſuch Warrant or Authority, that reaſon of ſtate ſhould take away any particular mans right, for the publick preſervation, without making him ſatisfaction.*

And the laws of England *have planted ſuch ſafegaurds about every mans property that the king cannot diſpoſe of his ſubjects goods. Neither can his Lord Chancelor releive any perſons whatſoever againſt a ſtatute law. The king takes a moſt Solemne Oath at his Coronation to obſerve the laws, and cauſe them to be kept. And the Iudges being ſworne to doe Equall law and right to all the kings ſubjects rich and poore.* Reaſon of State *would take away the force of all* Religion *and law, if ſuch practiſes were allowable to ſubvert foundamentalls, and the very courſe of nature in God Almightyes providence. As if the Earth were not ſufficient for the preſervation of all mankind, but that ſome perticuler men muſt periſh while their bread is taken away, not onely to preſerve the lives of others, but to multiply and increaſe their ſtores, as in the caſe of the* Pattacones *which leys heavy at the* lord Latimer's *dore and other Miniſters of ſtate that ſigned the laſt Treaty*

with the Hollanders in the year 1674. *That after ſoe much bloud and treaſure had been Exhauſted out of Engliſh mens ſydes and purſes, they would ſuffer Even two thrid parts of thoſe* 800000. Pattacones *to be taken from the Common ſtok of* England, *to inrich a ſtranger that had reaped the Cheife benefitt of that* Warr, *and leave thoſe Engliſh men without any reſtitution, whom the king in his grant, had declared himſelfe to be Concerned in Juſtice and honor to ſee them ſatisfied and repayred.*

I lately read a booke intituled the Pollitick of France, *written by a Miniſter of ſtate, wherein I found a moſt ſhameſull Caracter of* England, *after the Author had made his obſervations vpon other kingdomes and nations, coming to ſpeake of* England, *page* 189. *ſayes as to the Engliſh, they have noe freinds, a people without Religion, without faith, without Honeſty or juſtice, of the greateſt levity, Cruell, impatient, gluttenous, proud, audatious, Covetuous, fitt for handy ſtrooks, and ſuddaine Execution, vnable to carry on a warr with Iudgm-nt. This booke I have ſeen with much regrett, tranſlated out of the French originall into ſeverall languages to the great dishonor and reproach of* England. *Alt ough the Author was much miſtaken in his intelligenc-e and laying a ſcandall vpon the whole nation, for the faults and Miſdemeanors of a few vnworthy perſons.*

After the great conflagration in the citty of *London*, by the moſt dreadfull fire, it was the wiſdome and juſtice of the houſe of Commons, to prepare ſeverall clauſes and proviſoes in the bill brought in for rebuilding the Cittie; That particularmens ground should not be taken away for meliorating of the ſtreets and publique paſſages with out ſatisfaction from the publique purſe, or ſome other founde. Wherefore they provide a banck of money by act of Parliament for that purpoſe, out of new Caſtle Coles vſed for fires in the Cittie of *London* to make compenſation to particular men whoſe landmarkes were to be removed for the good of the generality. I could inſtance diverſe Examples, where men made advantages of it, I will onely make mention of two or three for all the reſt, that had more money given for their ground taken away, then the houſes and ground were worth before the fire had diſtroyed the buildings.

The roſe Jnn at *Holborn* bridge where a parte of the yard *and* ſtables being taken away to inlarge the Fleet ditch; The proprietor thereof had 900 pounds payd him for it, which built his whole houſe; for the ground of two ſmall Corner houſes, wholy taken away, the one to inlarge *Hony laine* markett by milke ſtreet, and the other to inlarge *King ſtreet* goeing to *Guild Hall*, the proprietors whereof had double the money that the houſes were worth when thay were ſtanding. And yett theſe men were not judges and parties themſelves, in an Arbitrary way. It was left to the conſciences and diſcretions of indifferent men choſen to value the ſame, between the Magiſtrates of the Citty and the proprietors of the gound,

who

who conſidered firſt the originall and fundamentall right of the perſons, which the law is very tender of 2. the damages the perſons had ſuffered for want of their houſes and shops ſince the fyre, and their prohibition of rebuilding the ſame, and aboue all, the benefitt of the publick, by taking away, particular mens rights, turning the Arguments againſt Reaſon of ſtate, knowing that the Publiq; without difficulty can help ſome particular perſons ſpoyled, but that a few particular men could not repayre a Nation nor a cittie. Sr. *Robert Sawyer* who was bredd in the *Exchequer* practiſe, had nothing to ſay at the Chancery barr againſt *Carews* right, or why he should not be ſatisfied and repayred, but that it concerned the publick, whether he intended the publique Treaſury in the *Exchequer*; or the publiq juſtice of a *Parliament*, or the publique ſtock of the *Eaſt India* Company of the Netherlands he did not Explaine himſelfe.

However the ſayd *Carew* and all other proprietors are adviſed to keep the Orignall Letters Patents, vnder the great ſeale of *England*, and all the Exemplifications and Duplicates thereof vndet ſeal, to make vſe of as opertunity ſerves, vntill the debt and damages be fully ſatisfied and recovered, with all incident Coſts and charges. Yet if a Parliament of *England* shall not think it reaſonable and juſt, to queſtion the irregular and indirect practiſes and proecedings of thoſe Miniſters and officers aforeſayd, but that *Carew* ought to ſurrender the ſayd Letters Patents into the kings hands (all circumſtances conſidered) without any ſatisfaction or reparation. I am confident that both he and all the Creditors legatees and others clayming vnder him would ſubmitt themſelves ro their judgment and determination, notwithſtanding the ſayd Letters Patents are grounded vpon the laws of nations, and all thoſe ſeverall acts of Parliament in *Edward* the thirds time, *Henery* the 4. *Henery the* 5. and *Edward the* 4. purpoſely made ſtatutes of the realm, for releiſe of the ſubjects of *England* ſpoyled at ſea by the ſubjects of other Princes and ſtates; Although there can-not be found the like Preſident ſince the creation, that a publique peace was ever purchaſed at the charge of particular men, or by money taken out of a particular mans purſe.

I have mett with two other objections which muſt be anſwered, then I shall conclude this diſcours with the carracters of Sr. *William Courten* and Sr. *Paul Pyndar*, leauing the particulars of their perſonall Eſtates with you, who are the moſt competent Judges thereof, haveing ſuffered more then two hundred thouſand pounds ſterling, vnder their misfortunes, beſides what is comprehended, in the ſayd Letters Patents for repriſalls.

Object. 1. *That other English men have ſuffered by the Hollanders and Zealanders, and particularly by the Eaſt and weſt* India *Companies of the* Netherlands, *and yett could never obtaine ſuch Letters Patents for Repriſalls, as the* Creditors *of* Courten *and* Pyndar *have done.*

Object. 2. *That many particular perſons and Fammilies* in England' *are impoveriſhed by the Banckers, who lent their monies to the crowne, ſince the kings reſtoration, yett the Parliament would never conſider their loſs and Damages.*

Anſw: As to the firſt, Its true there were great liſts of pretended loſſes and Damages brought in both by the English and Dutch before Commiſſioners ſoone after the kings reſtoration; The *Eaſt India* Company of *Holland* claymed ſeverall Millions of money for Damages, by their shipps goeing a bout by *Scotland* homeward from the *Eaſt Indies*, for fear of being ſeized or arreſted by the English in the Channell. And the English likewiſe demanded great Damages from the Hollanders, for obſtructing them in their trade both in the *Eaſt Indies* and *Turkey*, hindring their shipps from Comming into ſeverall ports, and for ſeverall other rancounters; But none ever had ſuch ſpoyles at noon day *as Courten and Pyndar* to be robbed of their goods, and their shipps taken from them in the face of the ſunn nor did Ever any perſon proſecute them for the recovery thereof as Mr. *Carew* hoth done. *Vigilantibus & non dormientibus ſubveniunt jura.*

Anſw: to the ſecond. Its granted, the misfortunes of thoſe are very great that lent their monies to the Goldſmiths, but not to be named in the day with *Courtens* or *Pyndars* and their Creditors, nor to be brought into the liſts of their complaynts. Sr. *William Courten* and Sr. *Paul Pyndar* were men of vaſt and clear Eſtates of their owne, not gotten by the Crowne, (they were noe ſuch mushromes) but brought their ſubſtance into *England*, a long with themſelves, acquired by their Honeſt induſtry and indeavors in trade and comerce. They advanced and lent their monies to the late *King Charles* and *King Iames* his father vpon bare intereſt, and toke vp monies vpon their creditt at bare intereſt. They Supplyed the Crowne vpon Emergent occaſions, for releife of the Queene of *Bohemia* and her children, Expeditions into *Ireland*, Releife of *Rochell*, ſupport of Ambaſſadors in Forraign Parts, and other ordinary charges of the Crowne without any other proſpects of Advantage, then bare intereſt, yett both principall and intereſt for the moſt part, is owing to this day. Their other moneys were imployed in trade, by Exporting yearly the manufactures of the Nation, for returnes in bullion of which the whole Kingdom reaped the benefitt.

The Carracter of Sr. William Courten.

IN the year 1567. the Father and mother of the ſayd Sr. *William Courten* having fledd from *Mecnen* in *Flanders* to the Cittie of *London* for protection of their lives and Eſtates in the time of Duke de *Alva*, they bredd their ſonn *William* a Merchant and ſent him at firſt as a factor for the lynnen trade to *Harlem*, where he married the Daughter and Heyre of Mr. Peter *Crommeling*, a very rich Merchant of that place, with whome he had ſixty thouſand pounds Sterling, whereof he was injoyned to lay out 50000. to purchaſe lands in *England*, to ſetle vpon his onely ſonn by her, (whereof she was delivered in *London*) named *Peter Courten*; whom king *Iames* made one of the firſt ranck of his Baronetts, and afterwards the ſayd Sr. *Peter Courten* married with the Lord *Stanneps* Daughter but died without iſſue, leaving the Eſtate in Lands, to his father Sr. *William*, who ſetled that Eſtate and 3000. l. yearly per anum more, vpon his onely ſonn and Heyre named *William Courten*, by a ſecond wife the Daughter of Mr. *Moſes Tryan*. Which ſayd *William* the ſonn and Heyre married with the lady *Katharine*, daughter of the right Ho-

rable : *Iohn Earle of Bridgwater*, by whom he had a ſonn and heyre, named *William* alſo; who now lives in *France* upon a ſmall Eſtate in money, having not a foot of land in *England* either out of his fathers, or grandfathers large poſſeſſions and inheritances.

The Cheifeſt part of *Sr. William Courtens* perſonall Eſtate, gained by the linnen trade, is reſting in the hands of the ſonns and heyres of *Peter Boudain* of *Middelburg* Merchant, who dealt in company with him, as appeares by the ballance of the books kept in *England* to be 122649. l. 16. l. 8. d. Sterling due to the joynt ſtock whereof *Sr. William* had two third parts, yet the ſayd monies, cannot be gotten from them out of *Zealand*, pretending (againſt all ſence and reaſon) they are acquitted and diſcharged by the treaty at *Breda* from all claymes accounts debts and demands whatſoever. Nevertheleſs, the hopes and expectations of the heyre & the creditors are, that his Majeſty wil at laſt appear himſelfe to doe them right, concerning the ſayd accounts, in *Zealand*, and revive the old and continued clayme of Sr. *William Courten* effectually to the Island of *Barbados*, by ſetling a reaſonable quitt rent vpon a ſurvey out of every acre, in Compenſation of Sr. *William Courtens*, originall right and propriety, or in liew thereof the foure and half p. cent: arriſing out of the groweth of the ſayd Iſland, the one Moyety for the benefitt of the grand child, and his heyres for ever, freed and diſcharged from all incumbrances; and the other to the uſe and benefit of the creditors, whoſe monies where lent to *Sr. William Courten*, and imployed in the firſt acquiſition, planting, and fortifyng the ſayd Iſland.

The Character of Sr. Paul Pyndar.

IN the year 1566. the ſayd *Sir Paul Pyndar* was borne at *Wellingbrough* in the county of *Northampton*, of honeſt parents; where the family had continnued with a competent Eſtate for ſome hundred of years together. His father having bredd him at ſchole fit for the univerſity, his ſonn rather inclyned to be a tradeſman; wherefore he ſent him to *London*; where he was bound an Apprentice, at the age of 17. years unto *Mr. Iohn Parvish* an Italian Merchant, who ſent him after he had ſerved half his time to be his factor at *Venice*; where he ſerved out the reſt, and then having great comiſſions, both from his Maſter and divers others, of the moſt trading kingdomes, he continued in *Italy* and parts adjacent, for the ſpace of fifteen years, or thereabouts, trading upon his owne account and comiſſions; where he gott a very plentifull Eſtate: Then returned into *England*, where after he had traded five years longer, and appearing the moſt Emminent Merchant upon the Exchang both fort experience, Eſtate, perſon, and languages, the *Turkey company* in the year 1611. importuned King *Iames* to ſend him Ambaſſador to the Grand Senior at *Conſtantinople*; which imployement after much ſolicitations he imbraced, to the great ſatisfaction of the King, and the Turkey company. In whoſe ſervice he continued nine years, where by his good conduct, he much improved the *Levant* trade and manufactures of *England*, which had been undervalued by the french and dutch. After his returne from the Embaſſie, in the year 1620. King *Iames* offered him to be

Livetenant of the Tower, which he modeſtly refuſed; but upon the perſwaſion of *Sr. William Cokhayne*, and *Sr. Arthur Ingram*, he was brought to be one of the farmors of the Cuſtomes, and to advance monies for ſupplyes of the late Kings neceſſary occaſions; and to furnish the crown with Jewells to his infinite loſs and prejudice. Nevertheleſs he manifeſted his loyalty to that degree towards the preſervation of the Royall family, that he ſent ſeverall conſiderable ſumms of money in Gold to the late King *Charles* at *Oxford* by Madam *Iane Whorewood* in the years 1643. and 1644. for tranſportation of the Queen, and her children, which his now Majeſty hath often and lately acknowledged for a moſt acceptable ſervice.

William Toomes and *Richard Lane*, his Cashiers, and accomptants, caſt up *Sr. Paul Pyndars* Eſtate in the year 1639. which conſiſted in ready meney. Allome, and good debts, upon taillies, and obligations from noble men and others at Court, which amounted then to the ſum of 215600. l. Sterling, a great part whereof was imployed in the ſole manufacture of Allome, for which Allome Farme, *Sr. Paul Pyndar* payd Annually 12000. l. Sterling rent to the crowne, for twenty eight years ſucceſſively. A branch of the publique revenue, lately extinquished, under the notion of a monopoly. And that ſtaple comodity of the groweth and manufacture of *England* expoſed to under values, for want of a due regulation in trade. *Sr. Paul Pyndar* was obliged by the grant from the King, to furnish the Cittie of *London* and all parts of *England* with Allom at twenty pounds a ton, and to tranſport the over plus which he did in great quantities into *Holland*, *Frante*, *Hamburgh* and other parts to the advantage and benefit of the King and kindome.

This manufacture of allome, was firſt brought out of *Italy*, in thoſe parts under the Popes temporall jurisdiction, and ſet on worke by an Italian, a freind of *Sr. Paul Pyndars* in King *Iames* his time; who much incouraged the making thereof, and ſet up the firſt pans coppers and materials in Yorkshire at the charge of the crowne. Before that time all Allom was imported, into *England* out of the Popes territories, at ſixty pounds Sterling a tonn, under the name of *Roman* Allome vulgarly called roach Allome, that raiſed a conſiderable yearly reverenue to the Pope.

There remaines nothing viſſible at this time, to the family of *Sr. Paul Pyndar*, out of all thoſe great acquiſitions, but his memory in graven with modeſt Caracters, upon a black marble ſtome, over his grave in *S Buttolphs* church, without Bishops gate *London*, in thoſe ſorrow full days when de dyed; the Epitaph is as follows.

Sr. Paul Pyndar, Ambaſſador, to the Turkish Emperour anno 1611. and reſident there 9. years, faithfull in negociations, forrain and domeſtick, Eminent for Piety, Charity, Loyalty and Prudence. An inhabitant, 26. years in this Parish. A Bountifull Benefactor, deceaſed the 22. of Auguſt 1650. Aged 84. years.

VVilliam Toomes his Executor, made probat of in *Sr. Paul Pyndar* his laſt will and teſtament; wherein amongſt other legacies he bequeathed ſeven thouſand pounds to the Hoſpitalls *in London* and Southwarke. The ſayd *Toomes* Exhibited an Inventory, but could not gett in the Eſtate, moſt parte thereof being upon tallies, and aſſignments upon diverſs collections which were diverted to other uſes, and many of the noble men being inſolvent, he diſcharged the workmen a remaynder of ten thoaſand pounds expended by *Sr. Paul Pyndars* in hislife time upon the Porch of *St.* Pauls churcn in *London* on the ſouth ſyde. But *Mr. Toomes* finding ſuch a vaſt Eſtate ſoe intangled, and his expectations ſoe fruſtrated, he had not a ſpirit to beat his afflictions, therefore layd violent hands upon himſelfe in the year 1655, and was found a *ſe'o de ſe*. Whereupon, *Sr. VVilliam* Powell tooke out Letters of Adminiſtration with the will annexed, and during his time imployed me in *Holland* to look after his intereſt in the ships *Bona Eſperanza* and *Henery Bona Adventure* and to gett in ſome debts upon the Allome account from *Ionas Abeels*, but J returned into *England re infecta* in the year 1661.

Then J importuned *Mr. Carew*, who had *Sr. Edward Littletons* intereſt in the ſayd Ships, and a very conſiderable debt of his owne incumbent upon *Sr. Paul Pyndars* Eſtate, to Satisfie *Sr. VVilliam Powell* and take upon himſelfe the ſole adminiſtration, whereupon after ſome inquiries, and incouragments at white hall, from his freinds that he had then there, and the concluſion of the treaty between the King and the States Generall, in the year 1662. the ſayd *Mr. Carew* ſold his land in *VVorieſter* shire to *Mr Thomas Foley* as aforeſaid for 3800. l. whereby he ſatisfied and payd *Sr. VVilliam Powell* and others and tooke upon himſelfe the ſayd adminiſtration accordingly. And this being the truth of the Caſe ſoe helpe me *God.*

Now *I am not able to containe my ſelfe any longer without tears for* Mr Carew *that unfortunnate Gentleman. VVhen I conſider the affronts he hath ſuffered both at home and abroad in taking upon himſelfe an unthankfull office, to be Adminiſtrator for corporations of Creditors, who after he hath expended his owne Eſtate & withered the flower of his age; Severall of them cry out they have been trapand, others that they were made Properties to* sham *the nations out of ſupplyes, and at laſt to be mockt by perſons truſted in the government. Yea even the Creditors* in Flanders *fall upon him with clamors, reproaching him that he hath not uſed his diligence, Others that he hath not purſued his truſt, having refuſuſed to grant them or their freinds Commiſſions, or to aſsigne them a proportionable part of the* 15612. *l. to gett it from the Hollanders as well as they could. VVherefore I think it neceſſary to inſert one letter from him that I received ſince he went from* England, *the Copie whereof hereafter follows in the other ſyde of this Page which afflicts me as much as if it were my owne concerned, in regard I was the Principall perſon that moved him to ingage in this affaire againſt the* East India *Company of the* Netherlands, *who have been ſoe perverſs and injurious unto him both in* England, *and* Holland *which I hope will fall heavy upon them at Laſt, although they have ſuch a power in the States, and ſuch an influance in all Courts, yett Juſtice will find them out in the end.*

Antwerpe Aprill 10. 1683.

Mr. THO: BROWNE

Sr.

YOvrs of 27.th of March dated from *Westminster* I received here on Fryday last where I intend to stay 10 or 12. days longer, then for *Lille* to dispatch my busines there, and soe for *Paris* by the stage Coach that goes from thence Every wheeke. What I feared proves very true; the Creditors in *Flanders* Especially about *Menen* and *Cortrick* in the new conquests of the French King. Are more Earnest then ever they were, being the Freinds and relations of Sr. *William Courtens* first wife, Exclayming against the Comissioners and Ministers of *England* that signed the two last treaties with the Hollanders, and pretend they will make their addresses to the French King for releife haveing not onely payd large Contributions to the *Curators* of *William Courten* Esq; deceased, towards their debts due from him; but that they are concerned for divers other great summs of money advanced to his father Sr. *William Courten* in his Enterprize and plantation of the *Barbados*, and that they were interessed with him in the stock, for fortifeing and planting of the sayd *island*, and particularly in two ships taken by Capt *John Powell* and *Henery* his Brother, from the Spaniards in the year 1627. laden with sugars from the *Brazeels* which were sold for 9600. l. sterling and wholy imployed in and about the sayd plantations of *Barbados* whereof a Moyety of the sayd money was theirs, as by the books of accompt kept for that purpose appears, which they durst not discover *pro tempore* living then in the Spanish Dominions. I wish there might be some way found out to settle that affair to the satisfaction of all parties, since I fear it will cast a great reflection vpon the proceding at Court, in the late kings time for Countenancing the *Earle of Carlisle* and his adherents, in those forceable entries and Arbitrary practises, against the officers servants factors and planters vnder Sr. *William Courten* and his partners, who were most inhumanely treated, contrary to the laws of God and nature. I am not against your printing *Vox veritatis*, with the Observations and Annimadversions vpon it, as you hinted in your letter to me, but I would have it done with all tendernes to the King. For I am, and Ever was of that opinion, he that wounds the Honour and reputation of the Crown, wounds himselfe being a member of the body pollitick. However I desire to appear Just and Equall towards God Almighty, towards my naturall Prince, towards my Country, and also to my selfe, in manifesting how I have imployed my time, and tallent in this world; yet nothing shall make me disloyall or vnfaithfull to my Native King, and Country. I will give you a further accompt of all things, after I have setled my selfe in *Paris*, not else, at present but thy I am

Sr.

Your assured Freind and humble servant

GEORGE CAREW.

BUt J must not forgett to informe you, before my concluſion, of a late paſſage concerning *Monſieur Van Bewninghen*, an Extraordinary Ambaſſador, or an Extraordinary ſpye from the States of *Holland*, and the *East India* Compauy of the Netherlands; who being told that his Excellency after he was out of his publique imployment, was lyable as he was a participant of the *East India* Company to be arreſted in his perſon or his goods, for the ſayd ſpoyles and depredations upon the ships and ladings aforeſayd belonging to *Conrten*, *Pyndar* and *Littleton*; and that originall writs were upon taking out of the Curſitors office for that purpoſe. Who replyed with great Scorne and contempt to the laws of *England*, that he would anſwere any thing of that nature by vertue of the treaty at *Breda*. Wherefore J ſent to the ſayd *Monſieur Van Bewninghen* ſoe ſoone as he had taken his leave of the King, and received his Credentialls to be gon, (the letter following) being adviſed that he would try that iſſue at law rather then leave ſuch things open to continual diſputes, as *Amboyna* was, from one generation to another, being an *Advocate* himſelfe, and noe leſs then a Burgermaſter of Amſterdam. A perfect Copye of the ſayd letter, hereafter follows, the originall being delivered into his owne hands with the ſuperſcription upon it accordingly.

THESE

For the Honorable Monsr. *Van Bewninghen* late Ambaſſador Extraordinary from the States Generall (to the King of great *Brittain*) at his lodgings in Leiceſter feildes.

Sr.

THeſe are to lett you underſtand, that I am inf rmed you are ſoe generous in your owne nature as to give bayle to any action at the ſuite of the Adminiſtrator of Sr. Paul Pyndar, *concerning his ſayd loſs damages ſuſtained in the ships* Bona Eſperanza *and* Henery bona Adventure; *which will be a means to take away all proſecution by force of Repriſalls according to the laws of nations againſt others of your country men for that particular injury done by the* East India *Company of the* Netherlands, *whereof you are a participant and* Bewinthebber *and ſoe conſequently a debitor and maine* Purnour *of the effects and profitts arriſing by the ſpoyles and depredations of*

thoſe ships and their ladings, wrongfully converted to the ſayd Companies uſe. I make noe queſtion but you are well acquainted with the common laws of England (*the ſubjects Birth-right*) *and that Soveraign Princes cannot diſcharge or releaſe any perſons that have done a private injury to particular ſubjects, but ſtill they may perſue to recover their right by way of law. If you value yourſelfe upon any treaty of State, you may pleaſe to plead it in barr and leave the whole matter to an Iſſue at law. For I am well aſſured that the Creditors of* Sr. Paul Pyndar, Sr. William Courten, *and* Sr. Edward Littleton, *will not ſit downe by thoſe ſpoyles and depredations without ſatisfaction and reparation. There are ſeverall writs in the* Regiſter *and* Fitzherberts natura brivium *in force againſt the perſons, ships goods and Merchandizes, of any member of the dutch* East India *Company which will be put in Execution, if they doe not freindly compoſe this affaire, or cauſe it to be done with the perſons intereſſed and injured. I thought good as I am an Agent for the creditos to intimate thus much to you, now you are in a private Capacity to prevent any arreſt that might inſue.* Mr. Thomas Norton *Merchant, who is dayly upon the exchange will give a further accompt hereof to any freind of yours I have nothing more to add at preſent, but that I am*

Sr.

March 1. 1682.

Sr. your moſt humble ſervant

Tho: Browne.

YEt Monsr. *Van Bewninghen*, altered his intentions, and presently complayned to *Sr. Lyonel Ienkins*, who diſwaded him from takeing his journey in the hackney coach to *Harwich* which he had hyred for himſelf and his *Bagage* to he ready for the next packet boate, and ſoe prevented meetting with him upon that occaſion, by goeing away privately downe the Thames in one of the Yaughts; who notwithſtanding all his *Braveadoes* and confidence, was affraid to abide the teſt of an Act of Parliament, or to grapple with the common law of *England*. But ſince he and his aſſociates, moſt Maliciouſly cauſed the Englishmen aforeſayd to be put in irons and tryed for *Pyracy* and *fellony* upon a commiſſion of *Oyer* & *Terminer* in the Marshallſea (a new way to pay old debts) at *Southwark*, on the 18.th of February 1680. I will here breifly inſert the names of the Judges unto whom the ſayd Comiſſion (grounded upon the Statute of *Hen.* 8.th) was directed under the great ſeal dated 24. of January 1680. *Signed Finch* C.
Rich. *Lloyd.*

The Names and titles of the Iudges in the ſayd Comiſſion of Oyer *and* Terminer *translated out of Latine into English.*

Prince Robert *Vice Admiral of England.*
Daniell Finch, *Eſq.*
VVilliam Lord, Brunchard.
Sr. Thomas Littleton, *Baronet*,
Sr. Thomas Meres, *Knights.*
Edward Hales, *Eſquier.*
Commiſſioners for Executing the office of Lord High Admirall of England.
Sr. Lyonell Ienkins, *Iudge of the Admiralty.*
Sr. Francis North, *Cheiſe Iuſtice of the Common Pleas.*
Edward Seymer, *Eſq Treaſurer, of the Navy.*
Cheif Iuſtice of the kings Bench pro tempore,
Sr. Harbottle Grimſton, *Maſter of the Rolls.*
William Lord Cheif Baron Mountague
Sr. Hugh Windham *Iudge of the Commen pleas.*
Sr. Thomas Iones, *Iudge of the Kings bench.*
Sr. Wiliam Dolbin, *Iudge of the Kings bench.*
Sr. Thomas Rayman, *Iudge of the Kings bench.*
Sr. Edward Atkyns, *Baron of the Exchequer.*
Sr. William Gregory, *Baron of the Exchequer.*
Sr. Iob Charleton, *Iudge of the common pleas.*
Sr. Richard Weſton, *Baron of the Exchquer.*
Sr. Robert Wiſman, *Deane of the Arches.*
Sr. Thomas Exton, *the kings Advocate*
Sr. Iames Butler, *Iudge of the Marshalſea.*
Sr. Iohn Bramſton, *knight of the Bath.*
Sr. Samuell Baldwin, *the kings Sergeant at law*
Sr. Robert Wright, *Kings ſergeant at law.*
Francis Bramſton, *ſergeant at law.*
Sr. Iohn Coel *Maſter of Chancery.*
Sr. Tymothy Baldwin, *Maſter of Chancery.*
Sr. Edward Lowe, *Maſter of Chancery.*
Sr. Samuell Clerk, *Maſter of Chancery.*
Sr. Miles Cooke, *Maſter of Chancery.*
Sr. Adam Oatley, *Maſter of Chancery.*
Sr. Iohn Werden, *knight and Baronet*
Sr. Robert Southwell, *knight.*
Thomas Hayter, *controller of the Navy.*
Sr. Iohn Trippett, *Commiſſioner of the Navy.*
Sr. Richard Haddock, *Commiſſioner of the Navy.*
Sr. Iohn Norborrough, *Commiſſioner of the Navy.*
Sr. Phineas Pett, *Commiſſioner of the Navy.*
Iames Southerne Eſq. *Commiſſioner of the Navy.*
Sr. William Hickman, *Commiſſioner for the Ordinance.*
Sr. Iohn Chichley, *Commiſſioner for the ordinance.*
Sr. Chriſtopher Muſgrave, *Commiſſioner for the ordinance.*
Georg Legg Eſquier, *Commiſſioner for the ordinance.*
Sr. Thomas Allen, *knight and Baronet.*
Sr. Robert Holmes, *knight.*
Sr. Iohn Holmes, *knight.*
Sr. Iohn Berry, *knight.*
Sr. Iohn Wetwang, *knight.*
Sr. William Ieuings, *knight.*
Arthur Herbert, *Eſquier.*
Sr. William Turnor, *Knight and Alderman.*
Sr. Ioſeph Sheldon, *Alderman of London.*
Sr. Iames Edwards, *Alderman of London.*
Sr Iames Smith, *Alderman of London.*
Sr. George Treby, *Recorder of London.*
Dr. Edward Maſter, *Dr. of Laws.*
Dr. William Trumball, *Dr. of Laws.*
Dr. Henry Falconberge, *Dr. of Laws.*
Dr. Thomas Pinfold, *D. of Laws.*
Dr. Richard Raynes, *Dr. of Laws.*
Dr. William Oldys, *Dr. of Laws.*
Dr. Charles Perrot, *Dr. of Laws.*
Dr. Robert Thompſon, *Dr. of Laws.*
Dr. Iohn Ediſbury, *Dr. of Laws.*
Dr. Charles Hedges, *Dr. of Laws.*
Dr. Stephen Brice, *Dr. of Laws.*
Iohn Brisbane, *Eſquier ſecretary to the Lords the Admirally*
Iames Hoare, *Eſquier*
Peter Rich *Eſquier.*

Severall remarquable clauſes Periods and Proviſoes contained in the Letters Patents of Repriſalls for 151612. l. taken out of the Patent verbatim.

1. CHARLES the Second, by the Grace of God, King, of England, Scotland, France and Ireland, defender of the Faith, &c. *To all Chriſtian People* to whom theſe Preſents ſhall come, Greeting.

2. We out of the juſt ſenſe we then had, and ſtill have of their unjuſt Sufferings in that Buſines, both by Our own Letters under our Sign *Manual* to the *States Generall* of the *United Provinces*, and by Sir *George Downing* Knight and Baronet Our Envoy Extraordinary, to whom we gave Eſpecial Command ſoe to do, required ſatisfaction to be made according to the Rules of Juſtice.

3. (Whom we take our ſelves in Honour and Juſtice, concerned to be ſatisfied and repaired) we lately commanded the ſaid *Sir George Downing* to intimate and ſignify to the ſaid States, That we expected their final Anſwer.

(4) That We might ſo govern Our ſelves therupon, that our aforeſaid Subjects might be relieved according to Right and Iuſtice.

(5) *Now Know Ye*, That for a full Reſtitution to be made to them for their Ships, goods and Marchandizes, of which the ſaid *William Courten*, and the Aſigns of the ſaid *William Courten* and Partners, were ſoe deſpoiled as aforeſaid, with all ſuch Coſts and Charges, as they ſhall be at for Recovery of the ſame.

(6) Whereſoever the ſame ſhall be found, and not in any Port or Harbor of England or Ireland unleſſ it be the ships or goods of the Parties that did the Wrong. And the ſaid ships, goods, Moneys and Marchandizes, being ſo taken and brought into ſome Port of Our Realms or Dominions.

(7) So that neither the Captains Maſter nor any of the Company that ſhal ſerve in his owne perſon, or ſhal promote and advance the ſaid Enterprize in manner and form aforeſaid, ſhal in any manner of wiſe be reputed or Challenged for any Offender againſt any of Our Laws.

(8.) And further, we do hereby declare, That it is Our Will and Pleaſure, That this Our Commiſſion ſhall remain in full Force and Power, to all Intents and Purpoſes, until the ſaid *Edmond Turner* and *George Carew* their Executors, Adminiſtrators, and Aſſigns, as aforeſaid, ſhall by Virtue thereof have by Force of Arms Apprehended, Taken, Seized, Recovered and Received from the ſaid States General, or, their Subjects, One hundred fifty One Thouſand ſix Hundred and Twelve Pounds.

(9.) Notwithſtanding it may ſo happen, the preſent Difference between Us, and the States General depending upon General Repriſals, may be agreed and compoſed, and that in the Interim a Peace and good Correſpondence may be reneWed betWen Us, and the ſaid States General.

(10.) According to Our Princely Intention, hereby ſignified and expreſſed, and to take Care that this our Royall Commiſſion be duely executed and Conſtrued in all reſpects, to the Benefit and beſt Advantage of the ſaid *Sir Edmond Turner* and *George Carew* their Executors Adminiſtrators and Aſſigns, as aforeſaid. In Witnes Whereof, We have cauſed theſe our Letters to be made Patents. Witneſs Our ſelf at *Weſtminſter* the 19 day of may, in the 17. Year of our Reign. *Per ipſum Regem.*

Severall obſervations, Animadverſions, and Reflections upon the ſayd Periods clauſes, and Proviſoes in the Letters Patents aforeſayd.

(1.) It apparent that this grant was not directed to Shreifs, Bailiffs, or their deputies onely in England, as all other decrees, Iudgements and Extents are to the proper officers of Counties Cities and liberties but unto all Chriſtian People in the world to whom it ſhall come, as well to Kings, Princes and ſtates of other nations, as to inferior Magiſtrates and People in all his Majeſties Dominions and Territories; As it is an univerſall remedy for the creditors in all parts that may clayme their debts under the grantees purſuant to the laws of nations, ſoe it is made knowne to that purpoſe accordingly.

(2.) Injuries done to particular ſubjects abroad, reflect upon their Soveraign Princes at home, who being affected with their greifs and miſcheifs, reſent them even as if the wrongs and injuries had been done perſonally to themſelves. The like ſympathy is in all good ſubjects towards their Soveraigns.

(3.) There is nothing more dear and ſacred to Soveraign Princes then their honour, which is an Obligation, as Equally binding upon them to doe juſtice. As the religion they profeſs, being ſtyled Gods upon Earth Wherefore Bracton who was both a devine and a lawyer ſays, Nihil aliud poteſt Rex in terris, cum ſit Miniſter Dei & Vicarius, quam ſolum quod de jure poteſt.

[4.] This Period manifeſting a Royall ſence more then ordinary for reparations to injuried ſubjects. The motives for it. Being ſoe great; The aggravations are ſoe much the greater upon thoſe that would deprive the King of his glory, and the ſubjects of their intereſts, the ſpoyles of Warr, upon the Coaſt of Guinea Bergen &c.

(5.) Full reſtitution with reparations of coſts and damages, agrees with the common intendment of the law in all eſpeciall caſes of Repriſalls, And the very Expreſs words of the Statute in the 27. th of Edward the 3 declaring plainly that grants upon the law of marque (the french word for Repriſalls) ſhall be without deceipt or delay, the Bourgundians having Wreſted from the ſubjects of England their other ancient remedies. Ergo What fraud Exceeds that, which would render the law ineffectuall, or what punishments ought they to have, that would ſubvert the law. Leaving a right without its proper remedy.

[6.] Here his Majeſty and his Miniſters kept cloſe to the points and Proviſoes in ſeverall acts of Parliament. Noe port, harbour, or haven, ſhall be any ſafeguard or protection to the perſons that ſpoyle the ſubjects of England. And any port of the Kings Realmes or Dominions ſhall be open to receive their prizes untill full reſtitution and reparations.

[7.] The officers of the Admiralty, and other bloud thirſty perſons, ley here under a moſt juſt reprehenſion, who put thoſe men upon tryalls for their lives and Eſtates, as Pyrates and Felons for Executing the Kings grant, (the law of repriſalls) and that would moſt malicioufly under the colour of a law, have Waſhed their hand in Innocent bloud.

(8.) The King being ſole Arbiter of his ſubjects loſſes and Damages in all ſuch forraign Caſes of ſpoyles, he may de jure make his owne laws for their reparation, but Where the remedy granted is grounded upon ſeverall acts of Parliament; The Hollanders are not onely bound by it, but the King himſelfe for reſtittuion; Which turnes the Arguments of the late Lord Chancelor finch upon himſelfe. The law being poſitively againſt him in terminis.

[9.] Soveraign Princes make their owne Capitulations and ſtipulations as they pleaſe, concerning their owne intereſt relating to Dominion or Royalty either at ſea or land, but as to property (meum & tuum) Wherein the ſubjects are concerned, they are bound up to the rules of law and Iuſtice; Wherefore the King in this clauſe circumſcribes himſelfe within the limits of the laws of God and man accordingly.

(10.) His Majeſtie calls himſelfe twice to Wittneſs in this period (what greater evidence is there under heaven) to the ſubſtance of the Letters Patents, and particularly that the grant ſhould be conſtrued to the beneſit and beſt advantage of the grantees and their aſſignes. But how farr thoſe worthy Patriots of their Country named on the other ſyde of the foregoeing page, might have intangled themſelves to their owne prejudice, that ſate as Iudges upon the lives liberties and Eſtates of Captain Compton Gwyther, Captain William Hawley Lieutenant Richard Washington and twelve other officers and ſeamen before mencioned in the 42. page, through the malice of ſome particular men. I leave to the Iudgment of all Chriſtian People into whoſe hands this litle hiſtorry with the originall acts orders and vouchers upon record concerning the 56. Paragraphs ſhal come.

IF *King James* had ſuch taken meaſures, in granting the like Letters of Repriſalls upon the ſpoyles and Rapines comitted and Executed by the Hollanders and Zelanders at *Amboyna* reſtitution and reparation, would have been made long before that inconſiderable ſum of Eighty three thouſand pounds Sterling payd by the *Eaſt India* company of the Netherlands to *Oliver Cromwel* in the year 1654. towards reparation to the heyres and Executors of the Participants in the *Amboyna* Joynt ſtock and planration there 1619. And English men would have been furniſhed whith ſpice of their owne groweth, at *Poleron* and other places without being beholding to the dutch for nutmegs Cloves mace and Cinnamon. And if they had been kept to this poynt, the foure joynt ſtocks of the English *Eaſt India* Company had not been waſted and conſumed by the underminings and obſtructions of the Hollanders.

In the year 1667, after *England*, had been ſoarely afflicted (for the iniquities and tranſgreſſions of the land) with Plague fyer and warr, the Hollanders were ſoe Audacious, during the time they were treating with the Kings Ambaſſadors at *Breda*, and had done their Exployt *at Chattam*, (forgetting all their obligations to the crowne of *England*) to offer an article to be inſerted into the treaty, that Dutchmen should freely tranſport all manner of goods in their owne ships and veſſells unto *England* and English plantations; then it being objected by the *Lord Holles* that there was an act of Paliament againſt it, and ſoe Conſequently not in the Kings power to grant, yet they were ſoe impudent to preſs it over and over againe, to have it upon any termes, ſaying *Valeat ut valere poteſt.*

Theſe moſt inſolent and ingratefull creatures were not content to invade the ports and harbours of England, but they would invade the laws and Statutes of *England*, Then ſeing it would not take, and that English men could not digeſt fyer, they inſiſted upon a ſeperate Article that Rhenish wines and all other goods comming downe the *Rhyne* out of *Germany* into their Country should be conſtrued to be of the groweth of *Holland* (which yeilds nothing of value Excepting turfe, butter and cheeſe) but how that will conſiſt with the act of Navigation, whereby English ſeamen and their ships ought to be imployed for importing all thoſe goods whereof the conſumption is made in England. J leave it to the Judgment and determination of others.

It was the great wiſdome and Pollicie of our forefathers, when they eſtablished the poſſitive laws of nations, to provide againſt Spoyles and depredations at ſea. Upon the ſame grounds our Anceſtors in *England*, framed the ſpeciall writs in the old law books for the better incouragment of trade and navigation, foreſeeing the perverſs nature of mankind; in making reſtitution and reparations (for ſpoyles and injuries upon the ſeas) in maritime townes a broad, where the treſpaſſers are both Judges and parties. And to ſupply the force of thoſe writs, the ſame ſtatute of *Edward* the third, which ſuſpended them in ſome caſes, provided that the perfect remedy of marque or Repriſalls should be applyed in liew thereof without deceipt, to prevent a fayler of juſtice in a nation which was ever very tender of right and property, being an Iſland ſupported by trade and commerce.

You may expect the Arguments of thoſe learned men that ſigned the plea, mencioned in the 34. Parragraph and 10th page hereof to come forth ſuddainly in print by way of an Appendix, (although the Lord Chancelor Finch had not patience to hear them in due time) hereunto, that will further ſatisfie all mankind in the juſtice and rightouſeneſs of this cauſe, That reſtitution for the Originall debt, and reparations for the coſts and damages ought to be made or recovered by one mears or another.

Ingratum ſi dixeris omnia dixeris.

CONCLUSION.

IT is now full twenty three years ſince his Majeſties moſt happy reſtauration to his crowne and Kingdomes, when all his Good ſubjects at his firſt entrance, promiſed to themſelves other protections and ſafegaurds concerning their liues and liberties rights and properties, then what they had injoyed for many years together before. By the law of *England* it is accounted felony, and ſoe adjudged by the law of Nations for any perſon Willfully to cancell the writings obligatory of another man, before ſatisfaction, in regard it is the ſubjects perſonall intereſt, and Evidence, who poſsibly hath nothing elſe to depend upon for his credit and ſubſiſtance.

But the very attempt of violating or obliterating a Record in this caſe of Letters Patents for Reprisalls (as I premiſed in my dedication) is a practiſe moſt intollerable and unjuſt ſince the depoſitions, certificates and Authentique Acts of publique Notaries, obtained at vaſt charge and expences from the *Eaſt Indies* and parts adjacent (that where the cheife motives to *Dr. Exton*, the Judge of the Admiralty and others for making their reports to the King and Councell of the ſayd loſs and damages to the value of 151612 l. Sterling) being conſumed by the moſt dreadfull fyer *of London*, in the year 1666. There would remayn nothing of record for the Creditors Evidence, nay there would be a record againſt them, if *Mr. Carew* had betrayed his truſt, in ſigning ſuch an inſtrument, as *Sr. Robert Sawyer* and *Mr. Pengry* had inſinuated to him to be executed.

The King having given his *fiat*, and the Lord Chancelor his *recepi*, to the Grant in the year 1665. for ſatisfaction and reparation according to law, and put it out of his own power or poſſibility to avoyde it without payment; His Miniſters and the Hollanders, doe by all their practiſes and proceedings but beat the wind to noe purpoſe, for gaining that point which they never can compaſs without reſtitution.

1. *The ſpoyles and depredations are upon record under the great Seale of* England.

2. *The debt and damages of the creditors and adventurers intereſted and injured, are alſo liquidated and aſcertained upon record under the great Seale of* England.

3. *The names of the officers and ſeamen in the shipp* Bona Eſperanza *killed and deſtroyed in their owne deffence in the time of common Alliance between* England *and* Holland *are upon record under the great Seal of* England.

4. *The wages and private adventures of the ſeamen, loſt in both the shipps* bona Eſperanza *and* Henery bona adventura, *are alſo upon record vnder the great Seal of* England.

5. *And the Remedy for all their Releife continuing upon Records in ſeverall* Duplicats *and* Exemplifications, *beſides the Originall Patent upon record vnder the great Seal of* England (*the greateſt Security of the kingdome, againſt which there is no averment.*)

Therefore the Lord Chancelor *Finch* appeared very paſſionat vpon the Bench to ſay it was an impudent clauſe, (that the grant should continue vntill ſatisfac-

tion of the debt and dammages) when his Lordship, after his indigested matter was uttered, had not patience to consider either the matter of fact or the Law, nor to be soe just vnder all the circumstances of the case, as the old *Stoicks* were, *audi alteram partem.*

It is a received *Maxim* that Sovoraign Princes, see with other mens Eyes, and hear with other mens Eares, yet at *white hall* they have not taken notice of the cryes, and complaynts, of the persons soe long greived and oppressed in this cause, nor of the actions depending at law *in Holland* and *Zealand*, where justice hath been possitively denied, for other matters, nor even of the sighs and tears of the widdows and fatherless; whose interests have layne languishing in the *Barbados*, where their portions and monies where layd out, and Expended in the first discovery, planting, and fortifying that *Island* by Sr. *William Courten* in the years 1626. 1627. and 1628. for which he had Letters Patents vnder the great Seale of *England*, from King *Charles* the first, in the third year of his raign.

I must confess, the greatest part of these Collections, are taken out of Mr. *Carews* ovne books vpon this subject, vnder the titles of *fraud & oppression detected and arraigned*, 2. An *Hue and cry* after the goods & chattells of Sr. *William Courten* and Sr. *Paul Pyndar*. 3. *Hæc illæ lachrimæ* and 4. *Lex talionis* or the law of Marque or Repriſalls, which I am sensible were all delivered to severall ministers of state, to refresh their memories and vnderstandings. But since they have wrought noe good Effects vpon them (towards the releife of soe many orphans, and widows concerned) I have sent *Vox veritatis* after them, to quicken their sences and to lett them know that *Dormit aliquando jus, sed moritur nunquam.*

The king having often Expressed to his grand Councell of the kingdome, that he would never vse Arbitrary government himselfe nor suffer it in others, but that the laws of the land should be the rules and measures of all his actions and determinations. Wherefore I have imbarqued towards the *bona Esperanza* not doubting of good returnes in the *bona adventure* if not laden with Pattacones, to be fraighted home with other Coynes from the *East* and *west Indies* for satisfaction and reparation.

As to the Civell actions depending at law, in *Holland, and Zealand* at Mr. *Carews* instance. I doe not pretend to vnderstand the merrits thereof, but can averr that both the Magistrates of *Middleburgh*, and *Amsterdam*, have wronged the Judicature of *England* in their ordinary Courts of Justice, vpon two severall poynts, concerning the probate of Wills and Testaments, and the force of letters of Administration, to the infinite prejudice of English men.

But as to the whole matters of fact, if there be not truth in the bottome of all Mr. *Carews* pretences, he ought to suffer the severest punishments, that can be, inflicted vpon mankind, for laying such reproaches vpon both nations, yet first he ought to be heard.

There are two orders of the Councell table by me, at the instance of the Earle of *Shrewsbury* Sr. *Thomas Meres*, *Thomas Coppin* Esq, *Charles VVhitakere*, *Thomas Kynaston*, *George Porter*, *Thomas Townsend* and the sayd *George Carew* with others therein mentioned, dated at *white hall* the twenty fourt of Julii 1677. wherein

apointments were made by his Majeſty in Councell, for hearing the Peticioners on *Wednesday* the 10. of *October* 1677. at the *Board* for redreſs of the ſaid complaynts therein mentioned, at which time the perſons concerned, were to give their attendance, and bring their Councell learned in the laws along with them, as by the ſayd orders appears. Whereupon I attended my ſelfe at *White hall* at the ſame time appointed, with Sr. *Robert Sawyer*, Sr. *Richard Loyd*, *Richard Powell* Eſq; *Dr. Raynes* and other Common Lawyers and Civell Lawyers, Councell for the creditors, but could not be heard at that time nor at any time ſince; Although earneſtly ſolicited from time to time with renewed applications to that purpoſe.

All modeſt overtures and propoſalls of the Creditors, have been Looked vpon by the ignorant as impoſings vpon the king. Nay Even Mr. *Carews* humble offers ſince his Exile, lately tranſmitted to Sr. *Iames Butler*, to be addreſſed to the Cheife Miniſters at *White hall* (as I am informed) are alſo ſlighted and Contemned to that degree, as if all the rights intereſts and demands of him and the Creditors of Sr. *William Courten*, Sr. *Edward Littleton* and Sr. *Paul Pyndar*, were ordained to be ſacrificed to the benefitt of ſtrangers and others that would make a prey of their Eſtates, Rights and properties Notwithſtanding to my knowledg *Mr. Carew* propoſeth noe other advantage to hmifelſe, but to have his owne principall debt, and be left in *ſtatu quo*, that he was in at the kings reſtoration. Hoping that the Eyes and Eares of the officers and Miniſters of ſtate and juſtice, will at lenght be opened for the preſervation of his Majeſtys Honour, and the Honour and reputation of the Crowne and knigdome, by complying with the humble addreſſes and propoſalls of the Creditors to perpetuate the memory of Sr. *William Courten* and Sr. *Paul Pyndar*. That their ſtatues may be ſett vp in marble vnder the Pyazes of the Royall Exchang. Sr. *William Courtens*, at the end of the *Barbados* Walke of the one ſyde; And Sr. *Paul Pyndars* at the End of the *Turkey* Walke of the other ſyde for incouragments, to all Merchants in future ages, to take Examples by them, for loyalty and Fidelitie to their king and Country.

Actum apud Weſtminſter 29. of Maij 1683.

Thomas Browne.